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CANON LAW DIGEST

Volume XII

**Officially Published Documents Affecting
the Code of Canon Law 1986-1990**

Edited by Arthur J. Espelage, O.F.M.

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(1988): 803-804; 18(1988): 97, 99-101 ; 151 : "Apostolic Letter *Ecclesia Dei*" 18
(1988): 151-152; "USCC Pedophilia Statement. 1988," 17 (1988): 624; "Catholic
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Foreword

The first volume of *Canon Law Digest*, covering the years from 1917 to 1933, appeared in 1934 as a result of the author's firm persuasion "that whatever comes from the Holy See is worthy of study, and secondly, that every priest will be interested in the study of current canon law once he is persuaded that it can be done without too great an expenditure of time and energy." Since that first volume both the readership and the scope of documents found in *CLD* has grown. Today, clergy, members of institutes of consecrated life and societies of apostolic life, and laity find in *Canon Law Digest* the references required for ecclesial ministry. In addition to documents from the Holy See, *CLD* items come from national conferences of bishops, especially English speaking ones as well as individuals.

The Canon Law Society of America is pleased to offer volume twelve of *Canon Law Digest*. This volume of officially published documents affecting the *Code of Canon Law* covers the years from 1986 to 1990. The selection and compilation of documents took place by committee members of the society. The assembling of the manuscript took place at the Office of the Executive Coordinator.

One will find a short history of *Canon Law Digest* since its beginning by the Reverend T. Lincoln Bouscaren, S.J. and later by the Reverend James I. O'Connor, S.J. and members of the CLSA in the forward of volume eleven. In this particular volume, the reader may acquaint himself or herself with the methodology employed to compile this and previous volumes.

Canon Law Digest reports official documents in the Catholic Church. These include papal documents from the Holy Father as well as documents from various offices of the Roman Curia. In addition, documents originating from the United States Catholic Conference of bishops and other English speaking episcopal conferences are also considered for publication in *Canon Law Digest*.

The publication of every volume of *Canon Law Digest* is a time-consuming process for the volunteer members who contribute to this project. In 1986 when the Board of Governors of the CLSA took over the project from Father O'Connor, the CLSA committed itself to the general principles operative with volume ten, the last produced under Jesuit auspices. Those general principles are described below.

With respect to papal documents and those originating from the offices of the Holy See, the official documents may be found in the *Acta Apostolicae Sedis*. This publication remains the official commentary of the Holy See; and in the *Acta*, one will find the promulgation of universal ecclesiastical laws of the Catholic Church, unless another manner of promulgation has been prescribed in a particular case.

Not every item reported in the *Acta* is automatically included in *Canon Law Digest*. As a general principle, *CLD* does not report documents dealing with: establishing, confirming, adding or special approval of patrons for nations, dioceses, or other groups; changing the status of buildings, i.e. the designation of a basilica; changes in either names or boundaries of dioceses and provinces; creation of new ecclesiastical provinces (creation of new dioceses are reported under canon 373); agreements between the Holy See and civil authorities;

allocutions, messages and so forth on the occasion of accepting diplomatic credentials; items relating to the beatification/ canonization process, as for example, proclamations, decrees about the process; apostolic *epistolae*, with the exception of those sent to Roman Offices; and congratulatory messages.

Some items found in the *Acta Apostolicae Sedis* are reported and summarized, but the entire text is neither translated nor included. One may wish to consult this and previous volumes on specific topics: issues of the Eastern Churches are noted under canon 1; consistories are summarized under canon 351; papal trips and various written addresses are summarized under canon 333; messages and allocutions to other Christians, as for example, Orthodox or Protestants, would be found under canon 844; with messages to those who are not Christian summarized under canon 786. Likewise, most allocutions of the Roman Pontiff are noted, but not reported in full. One may find allocutions on the occasion of *ad limina* visits under canon 399.

Compilation of material for each volume of *CLD* takes place in two stages: the document search and the periodical review. The document search has four purposes: (1) identify documents to be included in a particular volume; (2) identify the *type* of document, i.e., apostolic constitutions, homily, allocution, message, interpretation, national legislation, pastoral letter; (3) indicate the primary reference canon for a document and cross references that may be helpful; and (4) determine which documents will be translated and reported in full; which will be noted; and which will be summarized. The periodical review has three purposes: (1) find references to documents and their sources not discovered in stage one; (2) identify commentaries on these documents; (3) identify translations of documents and reference all known translations.

Given the magnitude of the investigation and the production process involved for each volume, reviewer discretion is an important component for compilation and selection. While the documents that are reported are to be related to the canons, it may be that a papal allocution, as for example on the occasion of an *ad limina* visit, although usually just noted, might discuss a topic of canonical importance to warrant its translation in *Canon Law Digest*. In short, the expertise and the creative skills of the men and women who review and select entries for publication are essential. The reviewer's discretion will determine the contents of a volume.

Arthur J. Espelage, O.F.M.

Executive Coordinator

November 13, 2002

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List of Abbreviations

AAS	Acta Apostolicae Sedis
Admin.	Administrative
ap. const.	apostolic constitution
ap. exhort.	apostolic exhortation
Ap. Sig.	Apostolic Signatura
Apol.	<i>Apollinares, Commentarium Juris Canonici</i>
ARCIC	Anglican-Roman Catholic International Commission
<i>Archiv. K. K.</i>	<i>Archivfur Katholische Kirchenrecht</i>
art.	article
Auth. Interp.	Authentic Interpretation
<i>BCL Newsletter</i>	Bishops' Committee on the Liturgy (NCCB) <i>Newsletter</i>
<i>BEF</i>	<i>Boletin Ecclesiastico de Filipinas</i>
<i>c.</i>	canon
Cath.	Catholic
CBCP	Catholic Bishops' Conference of the Philippines
cc.	canons
<i>CD</i>	<i>Decree Christus Dominus</i>
CCCB	Canadian Conference of Catholic Bishops
<i>CCLS Bulletin</i>	<i>Canadian Canon Law Society Bulletin</i>
CDF	Congregation for Doctrine of the Faith
CDW	Congregation for Divine Worship
Chr.	Christian
<i>CIC</i>	<i>Codex Juris Canonici</i>
<i>CLD</i>	<i>Canon Law Digest</i>
CLSAP	Canon Law Society of America <i>Proceedings</i>
<i>CLANZ Newsletter</i>	<i>Canon Law Society of Australia and New Zealand Newsletter</i>
<i>CLSGBI Newsletter</i>	<i>Canon Law Society of Great Britain and Ireland Newsletter</i>
com.	Committee
<i>Comm.</i>	<i>Communicationes</i>
Comm.	<i>Commission</i>
Cong.	Congregation
<i>ConLife</i>	<i>Consecrated Life</i>

CRIS	Congregation for Religious and Secular Institutes
D.	Doubt or <i>dubium</i>
Decr.	Decree
Div.	Divine
<i>DocCath.</i>	<i>La Documentation Catholique</i>
<i>DOL</i>	<i>Documents on the Liturgy</i>
<i>Ed.</i>	Education
<i>E & M</i>	<i>Evangelium et Missio</i>
<i>Ench. Val.</i>	<i>Enchiridion Vaticanum</i>
<i>GCD</i>	<i>Generari Catechetical Directory</i>
<i>GE</i>	<i>Gravissimum educationis</i>
<i>GIRM</i>	<i>General Instruction of the Roman Missal</i>
GS	<i>Gaudium et spes</i>
IEC	Irish Episcopal Conference
ICEL	International Committee on English in the Liturgy
IM	Inter mirifica
Inst.	Institute
ITC	International Theological Commission
ITCABIC	Inter-Territorial Catholic Bishops' Conference of The Gambia, Liberia, and Sierra Leone
Leg.	Legislative
<i>LG</i>	<i>Lumen gentium</i>
<i>LIB</i>	<i>Liturgical Information Bulletin of the Philippines</i>
<i>MF</i>	<i>Mysterium fidei</i>
<i>Mp</i>	<i>motu proprio</i>
NCCB	National Conference of Catholic Bishops
<i>NCD</i>	<i>National Catechetical Directory</i>
N.N.	Given and Family Names
no.	number
nos.	numbers
Official Bulletin.	Bulletin Officiel de la Conference des Eveques de France
OD	Official Document or <i>Document officiel</i> (Canada)
<i>OE</i>	Decree <i>Orientalium Ecclesiarum</i>
<i>OssRom</i>	<i>L'Osservatore Romano</i> (Italian-Latin ed.)
<i>OssRoniEng</i>	<i>L'Osservatore Romano</i> (English ed.)
<i>OT</i>	<i>Optatam totius</i>
PCN	Particular Canons of Nigeria
<i>PO</i>	<i>Presbyterorum ordinis</i>
<i>Pont.</i>	Pontifical
Prot. No.	Protocol number
R.	Response
RCIA	Right of Christian Initiation of Adults.

Rei.	Religious
<i>RH</i>	<i>Redemptor hominis</i>
<i>RRAO</i>	<i>Roman Replies and CLSA Advisory Opinions</i>
SACB	South African Conference of Bishops
SC	Decree <i>Sacrosanctum Concilium</i>
<i>SC</i>	<i>Studia Canonica</i>
SCB	Sacred Congregation for Bishops
SCDF	Sacred Congregation for the Doctrine of the Faith
Sec.	Secular
Secr.	Secretary
Skz	<i>Schweizerische Kirchenzeitung</i>
<i>Soc.</i>	<i>Society</i>
<i>TPS</i>	<i>The Pope Speaks</i>
trans.	translation

BOOK I

GENERAL NORMS

C a n o n s 1 – 203

CANON 1

Apostolic Constitution *Sacrae disciplinae leges*, 25 January 1983. AAS 65, Pars II (1983): vii-xiv.

To our venerable brothers, cardinals, archbishops, bishops, priests, deacons, and to the other members of the people of God, John Paul, bishop, servant of the servants of God as a perpetual record.

During the course of the centuries the Catholic Church has been accustomed to reform and renew the laws of canonical discipline so that in constant fidelity to its divine founder, they may be better adapted to the saving mission entrusted to it. Prompted by this same purpose and fulfilling at last the expectations of the whole Catholic world, I order today, January 25, 1983, the promulgation of the revised *Code of Canon Law*. In so doing, my thoughts go back to the same day of the year 1959 when my predecessor of happy memory, John XXIII, announced for the first time his decision to reform the existing *corpus* of canonical legislation which had been promulgated on the feast of Pentecost in the year 1917.

Such a decision to reform the code was taken together with two other decisions of which the Pontiff spoke on that same day: the intention to hold a synod of the Diocese of Rome and to convoke an ecumenical council. Of these two events, the first was not closely connected with the reform of the code; but the second, the council, is of supreme importance in regard to the present matter and is closely connected with it.

If we ask why John XXIII considered it necessary to reform the existing code, the answer can perhaps be found in the code itself, which was promulgated in the year 1917. But there exists also another answer and it is the decisive one: namely, that the reform of the *Code of Canon Law* appeared to be definitely desired and requested by the same council which devoted such great attention to the Church.

As is obvious, when the revision of the code was first announced the council was an event of the future. Moreover, the acts of its magisterium and especially its doctrine on the Church would be decided in the years 1962-1965; however, it is dear to everyone that John XXIII's intuition was very true, and with good reason it must be said that his decision was for the long-term good of the Church.

Therefore the new code which is promulgated today necessarily required the previous work of the council. Although it was announced together with the ecumenical council, nevertheless it follows it chronologically because the work undertaken in its preparation, which had to be based upon the council, could not begin until after the latter's completion.

Turning our minds today to the beginning of this long journey, to that January 25, 1959 and to John XXIII himself who initiated the revision of the code, I must recognize that this code derives from one and the same intention, the renewal of

Christian living. From such an intention, in fact, the entire work of the council drew its norms and its direction.

If we now pass on to consider the nature of the work which preceded the promulgation of the code and also the manner in which it was carried out, especially during the pontificates of Paul VI and John Paul I, and from then until the present day, it must be clearly pointed out that this work was brought to completion in an outstandingly *collegial* spirit. This applies not only in regard to the material drafting of the work, but also to the very substance of the laws enacted.

This note of collegiality eminently characterizes and distinguishes the process of developing the present code; it corresponds perfectly with the teaching and the character of the Second Vatican Council. Therefore not only because of its content but also because of its very origin, the code manifests the spirit of this council in whose documents the Church, the universal “sacrament of salvation” (dogmatic constitution on the Church *Lumen gentium*, nn. 1,9,48), is presented as the people of God and its hierarchical constitution appears based on the college of bishops united with its head.

For this reason, therefore, the bishops individually and as episcopates were invited to collaborate in the preparation of the new code so that by means of such a long process, by as collegial a method as possible, juridical formulae would gradually mature which would later serve for the use of the entire Church. *Experts* chosen from all over the world also took part in all these phases of the work, specialists in theology, history and especially canon law.

To one and all of them I wish to express today my sentiments of deep gratitude.

In the first place there come before my eyes the figures of the deceased cardinals who presided over the preparatory commission: Cardinal Pietro Ciriaci who began the work, and Cardinal Pericle Felici who, for many years, guided the course of the work almost to its end. I think then of the secretaries of the same commission: Monsignor Giacomo Violardo, later cardinal, and Father Raimondo Bidagor, S.J., both of whom in carrying out this task poured out the treasures of their doctrine and wisdom. Together with them I recall the cardinals, archbishops, bishops and all those who were members of that commission, as well as the consultors of the individual study groups engaged during these years in such a difficult work, and whom God in the meantime has called to their eternal reward. I pray to God for all of them.

I am pleased to remember also the living, beginning with the present pro-president of the commission, our venerable brother Archbishop Rosalio Castillo Lara. For a very long time he has done excellent work in a task of such great responsibility. I pass then to our beloved son, Monsignor William Onclin, whose devotion and diligence have greatly contributed to the happy outcome of the work. I finally mention all the others in the commission itself, whether as cardinal members or as officials, consultors and collaborators in the various study groups, or in other offices who have given their appreciated contribution to the drafting and

the completion of such a weighty and complex work.

Therefore, in promulgating the code today, I am fully aware that this act is an expression of pontifical authority and therefore is invested with a *primalial character*. But I am also aware that this code in its objective content reflects the *collegial solicitude* of all my brothers in the episcopate for the Church. Indeed, by a certain analogy with the council, it should be considered as the fruit of a *collegial collaboration* because of the united efforts on the part of specialized persons and institutions throughout the whole Church.

A second question arises concerning the very nature of the *Code of Canon Law*. To reply adequately to this question one must mentally recall the distant patrimony of law contained in the books of the Old and New Testament from which is derived the whole juridical-legislative tradition of the Church, as from its first source.

Christ the Lord, indeed, did not in the least wish to destroy the very rich heritage of the law and the prophets which was gradually formed from the history and experience of the people of God in the Old Testament, but he brought it to completion (cf. Mt. 5:17) such that in a new and higher way it became part of the heritage of the New Testament. Therefore, although in expounding the paschal mystery St. Paul teaches that justification is not obtained by the works of the law but by means of faith (cf. Rom. 3:28; Gal. 2:16), he does not thereby exclude the binding force of the Decalogue (cf. Rom. 13:28; Gal. 5:13-25, 6:2), nor does he deny the importance of discipline in the Church of God (cf. I Cor. 5 and 6). Thus the writings of the New Testament enable us to understand even better the importance of discipline and make us see better how it is more closely connected with the saving character of the evangelical message itself.

This being so, it appears sufficiently clear that the code is in no way intended as a substitute for faith, grace, charisms, and especially charity in the life of the Church and of the faithful. On the contrary, its purpose is rather to create such an order in the ecclesial society that, while assigning the primacy to love, grace and charisms, it at the same time renders their organic development easier in the life of both the ecclesial society and the individual persons who belong to it.

As the Church's principal legislative document founded on the juridical-legislative heritage of revelation and tradition, the code is to be regarded as an indispensable instrument to ensure order both in individual and social life, and also in the Church's own activity. Therefore, besides containing the fundamental elements of the hierarchical and organic structure of the Church as willed by her divine founder or as based upon apostolic, or in any case most ancient, tradition, and besides the fundamental principles which govern the exercise of the threefold office entrusted to the Church itself, the code must also lay down certain rules and norms of behavior.

The instrument which the code is fully corresponds to the nature of the Church, especially as it is proposed by the teaching of the Second Vatican Council in general and in a particular way by its ecclesiological teaching. Indeed, in a certain

sense this new code could be understood as a great effort to translate this same conciliar doctrine and ecclesiology into *canonical* language. If, however, it is impossible to translate perfectly into *canonical* language the conciliar image of the Church, nevertheless the code must always be referred to this image as the primary pattern whose outline the code ought to express insofar as it can by its very nature.

From this, certain fundamental criteria are derived which should govern the entire new code within the limits of its specific matter and of the language appropriate to that material.

It could indeed be said that from this there is derived that note of complementarity which the code presents in relation to the teaching of the Second Vatican Council, in particular with reference to the two constitutions, the dogmatic constitution *Lumen gentium* and the pastoral constitution *Gaudium et spes*.

Hence it follows that what constitutes the substantial *newness* of the Second Vatican Council, in line with the legislative tradition of the Church, especially in regard to ecclesiology, constitutes likewise the *newness* of the new code.

Among the elements which characterize the true and genuine image of the Church we should emphasize especially the following: the doctrine in which the Church is presented as the people of God (cf. dogmatic constitution *Lumen gentium*, chapter 2) and hierarchical authority as service (cf. *ibid.*, chapter 3); the doctrine in which the Church is seen as a *communion* and which therefore determines the relations which are to exist between the particular churches and the universal Church, and between collegiality and the primacy; likewise the doctrine according to which all the members of the people of God, in the way suited to each of them, participate in the threefold priestly, prophetic and kingly office of Christ, to which doctrine is also linked that which concerns the duties and rights of the faithful and particularly of the laity; and finally, the Church's commitment to ecumenism.

If, therefore, the Second Vatican Council has drawn both new and old from the treasury of tradition, and the new consists precisely in the elements which I have enumerated, then it is clear that the code should also reflect the same note of fidelity in newness and of newness in fidelity, and conform itself to this in its own subject matter and in its own particular manner of expression.

The new *Code of Canon Law* appears at a moment when the bishops of the whole Church not only are asking for its promulgation, but are crying out for it insistently and almost with impatience.

As a matter of fact, the *Code of Canon Law* is extremely necessary for the Church. Since the Church is organized as a social and visible structure, it must also have norms: in order that its hierarchical and organic structure be visible; in order that the exercise of the functions divinely entrusted to it, especially that of sacred power and of the administration of the sacraments, may be adequately organized; in order that the mutual relations of the faithful may be regulated according to justice based upon charity, with the rights of individuals guaranteed and well-

defined; in order, finally, that common initiatives undertaken to live a Christian life ever more perfectly may be sustained, strengthened and fostered by canonical norms.

Finally, by their very nature canonical laws are to be observed. The greatest care has therefore been taken to ensure that in the lengthy preparation of the code the wording of the norms should be accurate, and that they should be based on a solid juridical, canonical and theological foundation.

After all these considerations it is naturally to be hoped that the new canonical legislation will prove to be an efficacious means in order that the Church may progress in conformity with the spirit of the Second Vatican Council and may every day be ever more suited to carry out its office of salvation in this world.

With a confident spirit I am pleased to entrust these considerations of mine to all as I promulgate this fundamental body of ecclesiastical laws for the Latin Church.

May God grant that joy and peace with justice and obedience obtain favor for this code, and that what has been ordered by the head be observed by the body

Trusting therefore in the help of divine grace, sustained by the authority of the blessed apostles Peter and Paul, with certain knowledge, in response to the wishes of the bishops of the whole world who have collaborated with me in a collegial spirit, and with the supreme authority with which I am vested, by means of this Constitution, to be valid forever in the future, I promulgate the present code as it has been set in order and revised. I command that for the future it is to have the force of law for the whole Latin Church, and I entrust it to the watchful care of all those concerned in order that it may be observed. So that all may more easily be informed and have a thorough knowledge of these norms before they have juridical binding force, I declare and order that they will have the force of law beginning from the first day of Advent of this year 1983, and this notwithstanding any contrary ordinances, constitutions, privileges (even worthy of special or individual mention), or customs.

I therefore exhort all the faithful to observe the proposed legislation with a sincere spirit and good will in the hope, that there may flower again in the Church a renewed discipline and that consequently the salvation of souls may be rendered ever more easy under the protection of the Blessed Virgin Mary, Mother of the Church.

Given at Rome, January 25, 1983, from the Vatican Palace, the fifth year of my pontificate.

John Paul II, 25 January 1983, ap. const. *Sacrae disciplinae leges*, /VIS 65, Part II (1983). vii-xiv; (transl. *Code of Canon Law: Latin-English Edition*, prepared under the auspices of the Canon Law Society of America. Washington, D.C. 1998).

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Apostolic Constitution *Sacri canones*, 18 October 1990. /1/15 82(1990): 1033-1044.

The Fathers gathered in the seventh ecumenical council in 787 A.D. at Nicea. The legates sent by my predecessor, Hadrian I presided. “Rejoicing as one who finds much treasure,” the Council, in its canonical regulations, brought forth the SACRED CANONS and confirmed them, briefly declaring them to be those which, according to tradition, came from the sacred Apostles, “the six holy and universal Synods and Councils which gathered locally” and “from our holy Fathers.”

Certainly the same Council, when it affirmed that the authors of the sacred canons, were enlightened “by one and the same Spirit” determined those things “which are expedient,” and brought those canons as one *corpus* of ecclesiastical law and confirmed it as a “Code” for all of the Eastern Churches, as already long ago the Quinisext Synod, gathered in the Trullo chamber of the city of Constantinople in 691 A.D. had done by more distinctly circumscribing the sphere of their laws in its second canon.

In such a wondrous variety of rites, that is, in the liturgical, theological, spiritual and disciplinary patrimony of the individual churches, which from venerable traditions take their origin from Alexandria, Antioch, Armenia, Chaldea and Constantinople, the sacred canons deservedly are considered to be clearly a conspicuous part of this same patrimony, which constitutes a single and common foundation of canons for ordering all of the churches. Nearly every Eastern collection of disciplinary norms specifically referred to and invoked the sacred canons as the principle sources of law. They already numbered more than five hundred before the Council of Chalcedon, and they were determined or recognized by higher authority as primary law of the Church. It was always clear to the individual churches that any ordering of ecclesiastical discipline had strength in those norms, which flowed from traditions acknowledged by the supreme authority of the Church or were contained in canons promulgated by the same authority, and that the rules of particular law have force if in accord with the higher law; however, to be null if departing from it.

“Fidelity to this sacred patrimony of ecclesiastical discipline brings it about that, among so many and so great vexations and adversities which the Eastern churches have suffered, whether in antiquity or more recent times, nevertheless the proper countenance of the East is to be observed in its entirety, and this indeed happened to take place not without great benefit to souls” (AAS 66 [1974] 245). The clear words of Paul VI of blessed memory delivered in the Sistine Chapel before the first Plenary Assembly of the members of the Commission for the Revision of the Code of Eastern Canon Law echo those of the Second Vatican Council concerning “the greatest fidelity” which decreed that the same disciplinary patrimony be observed by all of the churches, requiring also that “they take pains to return to the ancestral traditions,” if in certain ones “because of circumstances

of limes or personages they have improperly fallen away from them” (*OE* 6).

Distinctly there is placed in a clear light by Second Vatican Council that especially “a religious fidelity to the ancient traditions” along with “prayers, example of life, mutual and better knowledge, collaboration and fraternal esteem for objects and attitudes,” bring it about that the Eastern churches having full communion with the Apostolic Roman See, fulfill “a special task of fostering the unity of all Christians, especially Eastern Christians” (*OE* 24), according to the principles of the decree on ecumenism.

Nor to be overlooked here is that the Eastern churches which are not yet in full communion with the Catholic Church, are governed by the same and fundamentally one patrimony of canonical discipline, that is, “the sacred canons” of the Church of the first centuries.

But what pertains to the universal ecumenical movement, stirred up by the Holy Spirit to perfect the unity of the whole Church of Christ, the new code is in no way the least obstacle but rather greatly advances it. For the code guards this fundamental right of the human persons, namely that the faith be professed in whatever their rite, for the most part derived by them in their mothers’ wombs, which is the rule of all ecumenism. Nor is it in any way neglected that the Eastern Catholic churches, content in the tranquility of order desired by the Second Vatican Council, “may nourish and execute with a new apostolic vigor the task entrusted to them” (*OE* 1). Thus it happens that it is necessary that the canons of the Code of the Eastern Catholic churches have the same firmness as the laws of the *Code of Canon Law* of the Latin Church; that is, that they be in force until abrogated or changed by the supreme authority of the Church for a just cause, of which causes full communion of all of the Eastern churches with the Catholic Church is indeed the most serious, besides being especially in accord with the desire of Our Savior Jesus Christ himself.

Nevertheless, the heritage of the sacred canons common to all of the Eastern churches admirably coalesces with the passing of the ages and with the character of each and every group of the Christian faithful, from which the individual churches are constituted, and so takes on in the name of Christ and his evangelical message their whole culture and not simply of one and the same nation. Thus it belongs to the heart of the people, inviolable and most worthy of every consideration.

My predecessor, Leo XIII, at the end of the nineteenth century, declared “the legitimately approved variety of Eastern liturgy and discipline” to be “a brilliant ornament for all the Church and this variety confirms the divine unity of Catholic faith.” In considering this variety, he thought nothing “else, perchance, to be more admirable for demonstrating the note of *Catholicity* in the Church of God” (Leo XIII, apostolic letter *Orientalium dignitas*, 30 November 1894, proëm.). Thus the fathers of the Second Vatican Council also unanimously declared that “this multiplicity of local churches, united in a common effort, shows all the more

resplendency the catholicity of the undivided Church" (*LG* 23), and "in no way harms her unity, but rather manifests it" (*OE* 2).

Keeping all of these things in mind, this code, which I now promulgate, I particularly consider to be from the ancient law of the Eastern churches, and at the same time, I am clearly conscious of the breathing together both of unity and diversity. By this coalescence power is brought forth for the life of the entire Church, never growing old, and the spouse herself of Christ more magnificently stands out. This is foreshadowed in the wisdom of the holy Fathers who acknowledged in David's words, "The queen stood at your right hand clothed in gold, in multicolored clothing" (Psalm 44; Leo XIII, apostolic letter *Orientalium dignitas*, 30 November 1894, prooem.).

From the beginning of the codification of the canons of the Eastern churches there was the firm will of the Roman Pontiffs for promulgation of two codes; one for the Latin Church, the other for the Eastern Catholic churches. This would clearly show the observance of that which results in the Church by God's Providence – that the Church itself, gathered in the one Spirit breathes as though with two lungs – of the East and of the West – and that it burns with the love of Christ in one heart having two ventricles.

Likewise the constant and firm intent of the supreme legislator in the Church is clear concerning the faithful preservation and accurate observance of all the Eastern rites, expressed again and again in the proper norms of the code derived from the five traditions already mentioned.

It is also clear from the various structures of hierarchical constitution of the Eastern churches, among which the patriarchal churches are preeminent. In these churches the Patriarchs and Synods are by canon law sharers in the supreme authority of the Church. By these structures, delineated under their own title at the opening of the code, there is immediately evident both the proper countenance of each and every one of the Eastern churches sanctioned by canon law and their *sui iuris* status, and full communion with the Roman Pontiff, Successor of St. Peter. Inasmuch as he presides over the whole assembly in charity, he guards the lawful variety and at the same time guards that that individuality in no way harms the unity, but, rather, serves it (cf. *LG* 13).

Furthermore, in this area attention should well be given to all of the things committed to the particular law of each of the churches *sui iuris*, which are not considered necessary for the common good of all of the Eastern churches. Concerning these things, it is my intention that those who enjoy legislative power in each of the churches *sui iuris* take counsel as quickly as possible by issuing particular norms, keeping in mind the traditions of their own rite as well as the teachings of the Second Vatican Council.

The faithful guardianship of the rites ought clearly to be in conformity with the supreme end of all law of the Church, an end which is totally placed in the economy of salvation of souls. Therefore all things fallen into disuse and

superfluous in the area of laws previously enacted and less suited for the needs of regions or times have not been received into the code. In establishing new laws there was to be special consideration for those things which really responded better to the demands of the economy of the salvation of souls in the rich life of the Eastern churches and at the same time remained coherent and concordant with sound tradition, which was preferred, according to the direction of our predecessor, Paul VI, at the beginning of the work of revising the code, “that there may appear new norms, not as an extraneous body forced into an ecclesiastical composite, but blossoming as though spontaneously from already existing norms” (AAS 66 [1974] 246).

These things become brilliantly clear from the Second Vatican Council, for the same Council “brought forth the old and the new from the treasury of Tradition” (apostolic constitution *Sacrae disciplinae leges*, AAS 75 [1983] Part II, xii) by handing over into a newness of life that Tradition from the Apostles through the Fathers, on all sides integral to the message of the Gospel.

The *Code of Canons of the Eastern Churches* which now comes to light must be considered a new complement to the teachings proposed by the Second Vatican Council, and by which at last the canonical ordering of the entire Church is completed. This is accomplished with the previously issued *Code of Canon Law* of the Latin Church promulgated in 1983 and *The Apostolic Constitution concerning the Roman Curia* in 1988, which is added to both codes as the chief instrument of the Roman Pontiff for “the communion, which binds together the whole Church” (apostolic constitution *Pastor bonus*, 2).

But if now I turn my attention to the first steps of the canonical codification of the Eastern churches, the code appears as a sought for harbor of a voyage prolonged more than sixty years. For it is a body of law by which all of the canons of the ecclesiastical discipline that were common to the Eastern Catholic churches are for the first time gathered together and promulgated by the supreme legislator in the Church, after so great and so many labors of three Commissions established by the same legislator. The first of these was the Commission of Cardinals for the Preparatory Studies of the Eastern Codification, established in 1929 by my predecessor, Pius XI (AAS 21 [1929] 669) with Cardinal Peter Gasparri as president. The members of this commission were Cardinals Aloysius Sincero, Bonaventure Cerelli and Francis Ehrle, assisted by the secretary. Bishop Amleto John Cicognani, then assessor of the Sacred Congregation for the Oriental Church, as it was called, and later a cardinal.

These preparatory studies, as a matter of fact, were of great importance, having been brought to completion in six years by the efforts of two groups of experts gathered for the most part from the heads of the Eastern churches (cf. *OssRoni*, 2 [April 1930], 1). With the intervening death of Cardinal Peter Gasparri, it seemed good to progress to the constitution of “The Pontifical Commission for the Redaction of the ‘Code of Eastern Canon Law’.” As the commission’s title itself

makes clear, it was the task of this commission, erected on 17 July 1935, to determine the text of the canons and to supervise the composition of “The Code of Eastern Canon Law.” It must be noted in this regard that the Supreme Pontiff himself determined in the announcement of the setting up of the commission, which appeared in the official commentary *Acta Apostolicae Sedis* (AAS 27 [1935] 306-308) that the title of the future code would be enclosed in quotes to signify that it was chosen as the best “until a better title could be found.”

The Presidents of the Commission for Redacting the “Code of Eastern Canon Law” were Cardinals Aloysius Sincero, until his death; Maximus Massimi; and, after he died, Gregory Peter XV Agagianian, Patriarch of the Armenian Church.

Among the cardinals working along with the president of the first commission, namely, Eugenio Pacelli, Julio Serafini and Peter Fumasoni-Biondi, the name of Cardinal Eugenio Pacelli stands out. By the great Providence of God, as Vicar of Christ and Pastor of the entire Church, and especially solicitous for the good of the Eastern churches, he nearly completed the whole codification of the Eastern canons. Of the twenty four titles of the code woven together by the aforesaid commission, Pius XII promulgated no less than ten, given with greater significance by apostolic letters *motu proprio* (*Crebrae allatae sunt*, *Sollicitudinem nostram*, *Postquam apostolicis litteris* and *Cleri sanctitati*). The others, in a text approved at the same time by the cardinal members of the commission and for the most part printed “for promulgation,” by pontifical mandate, but coming during the last day of the same Pontificate, as well as at the same time as the announcement by John XXIII successor in the chair of St. Peter of the Second Vatican Council, remained in the archives of the commission.

In the course of the years, up to the cessation of the commission in mid-1972, the college of members was indeed increased by pontifical mandate; several cardinals put forth their effort, some succeeding others as others died. When the Second Vatican Council finally ended in 1965, all the patriarchs of the Eastern Catholic churches were named to the commission. At the beginning of the last year of the Commission for the Redaction of the “Eastern Code of Canon Law” the college of members consisted of the six heads of the Eastern churches and the prefect of the Congregation for the Eastern churches. Also from the beginning of this Commission for the Redaction of the “Code of Eastern Canon Law,” and for the longest time from then. Father Aeacio Coussa, B.A., secretary and later cardinal, labored with the greatest zeal and wisdom. We remember him here with praise along with the distinguished consultants of the commission.

The constitution and form of the established Pontifical Commission for the Revision of the “Code of Eastern Canon Law,” coming in mid-1972, safeguarded its Eastern character since it consisted of a multiplicity of churches, with the Eastern patriarchs being in the very first place. The work of the commission kept in sight the exceptional collegial aspect. For the formulation of the canons, gradually worked out by groups of experts chosen from all the churches, was sent

to all the bishops of the Eastern Catholic churches before anyone else, so that their opinions could be given collegially insofar as possible. Finally, these formulae, repeatedly revised anew in special study groups according to the wishes of the bishops, after a diligent examination by the members of the commission who repeatedly reconsidered the matter if it was warranted, were accepted by unanimous vote in a plenary assembly of the members gathered in November of 1988.

We must admit that this code is “composed by the Easterners themselves” according to the directions given by our predecessor, Paul VI at the solemn inauguration of the work of the commission (AAS 66 [1974] 246). Today, as generously as possible, I thank those who were participants in this work.

In the very first place, with a spirit of gratitude I note the name of the deceased Cardinal Joseph Parecattil of the Malabar Church who, for nearly the whole time except the last three years, meritoriously served as president of the commission for the new code. Along with him I recall in a singular manner the deceased Archbishop Clement Ignatius Mansourati of the Syrian Church who certainly and to the highest degree fulfilled the office of vice-president of the commission in the first and especially arduous years.

It pleases me also to remember the living, especially my venerable brothers Miroslav Stephen Marusyn, now an Archbishop, appointed secretary for the Congregation for the Eastern churches, who for a long time admirably carried out the office of vice-president of the commission, and also Bishop Aemilio Eid, vice-president today, who brought the work to a most happy outcome. After those, I remember the esteemed Ivan Zuzek, a priest member of the Society of Jesus, who, as secretary of the commission from the beginning, showed determined effort. I remember others who, whether as members, patriarchs, cardinals, archbishops and bishops; whether as consultors and collaborators in study groups and other tasks, carried out their parts at a high price. Next I remember the observers who, on account of the desired unity of all churches, were invited from the Orthodox churches, and were of great help by their very useful presence and collaboration.

With great hope I trust that this code will “happily be put into the action of daily life and that it offer a genuine testimony of reverence and love for ecclesiastical law” as was the hope of Paul VI of blessed memory (AAS 66 [1974] 247), and will establish an order of tranquility in the Eastern churches, so clear in antiquity, which, when I promulgated the *Code of Canon Law* of the Latin Church, I desired with an ardent spirit for the whole ecclesial society. It is a question of order which, attributing the principle parts to love, to grace, to charism, renders, at the very same time, an ordered progression of them easier whether in the life of the ecclesial society or in the life of the individuals which belong to it (AAS 75 [1983] Part II, xi).

“Joy and peace with justice and obedience” also obtain favor for this code and “that whatever is commanded by the head be observed in the body” (ibid., xiii), so that by the united strength of all the members, the mission of the entire Church may

be expanded and the Kingdom of Christ, the “Pantokrator” may be more fully established (cf. John Paul II. allocution to the Roman Curia, 28 June, 1986, *AAS* 79 (1987] 196).

I implore Holy Mary ever Virgin, to whose benevolent watchfulness I repeatedly entrusted the preparation of the code, that she entreat her Son with maternal prayer that the code may become a vehicle of his love which was splendidly demonstrated from the heart of Christ pierced by the lance on the cross, according to St. John the Apostle, the splendid witness, that it ought to be inwardly implemented in the heart of every human creature.

And thus, having invoked Divine Grace, supported by the authority of the Blessed Apostles Peter and Paul, looking favorably on the certain knowledge and wishes of the patriarchs, archbishops and bishops of the Eastern churches who have collaborated with me in a collegial spirit, and having used the fullness of the Apostolic authority with which I am endowed, by this, my Constitution, to be in force for the future, I promulgate the present code as it has been arranged and revised, and I order and decree that it obtain the force of law for all of the Eastern Catholic churches. I hand it over to the hierarchs of these same churches to be observed with care and vigilance.

However, so that all to whom it pertains can have a close examination of the prescriptions of this code before they come into effect, I decree and mandate that it begin to have the force of law from 1 October 1991, the feast of the Protection of the Blessed Virgin Mary in many of the Eastern churches.

Nothing whatever to the contrary withstanding, even if worthy of most special mention.

I exhort all of the faithful to carry out these proposed precepts with sincere hearts and good will; without doubt there is nothing that will more exceptionally serve the Eastern churches than disciplined care for the souls of the Christian faithful, that they may nourish more and more and carry out the duty entrusted to them under the patronage of the glorious and blessed Mary ever Virgin, who is most truly called “Theotokos” and stands out as the exalted Mother of the entire Church.

Given in Rome at St. Peter’s, 18 October 1990, the 13th of my Pontificate.

John Paul II. 18 October 1990, ap. const. *Sacri canones*. *AAS* 82 (1990) 1033-1044; *Comm* 22 (1990) 197-204.

Presentation of New Code:

John Paul II, 25 October 1990, allocution on presentation. *Comm* 22 (1990) 205-211; *TPS* 36 (1991)88-94.

Vatican Accord with Russian Orthodox:

Archbishop Edward Cassidy, 1 March. 1990, report on Vatican accord with Russian Orthodox *re* Ukrainian Catholic Church, *TPS* 35 (1990) 276-279.

CANON 2

**Designation of a cathedral church as a minor basilica, 17 December 1986.
Private.**

This Congregation wishes to acknowledge your letter dated November 7, 1986, in which Your Excellency requested that the title of Minor Basilica be granted to the cathedral of Lystra.

The reasons presented by Your Excellency have been examined with care by this Congregation and we would have liked to grant Your Excellency's request.

However, following upon the liturgical reform, the position and role of the cathedral has been thrown into relief by the liturgical books, for example the *Caeremoniale Episcoporum*, and in consequence this Congregation has established the rule that the title of Minor Basilica should not be given to cathedrals since such a title does not add anything to the dignity, honor and importance that the cathedral has not only in the cathedral city but also in the diocese.

For this reason a positive response cannot be given to the request of Your Excellency.

Your Excellency will surely understand these reasons, and every effort that can be made to underline the importance of the cathedral for the clergy and the faithful, pastoral and liturgical catechesis on its role and function, will be in accord with the letter and the spirit of liturgical reform: and God will surely bless this work.

CDW, 17 December 1986, letter to diocesan bishop. *RRAO* (1987) 42-43.

**General norms for the liturgical year and the calendar, 22 April 1990.
Private.**

Sunday, the foundation and nucleus of the entire liturgical year, should be proposed to (he devotion of the faithful and taught to them as the first holy day of all (see SC 106).

The norm thus laid down by the Constitution on the Liturgy restored to the Lord's Day its primacy over all other celebrations "unless they be truly of greatest importance" (ibid.).

This applies above all to the Sundays of Advent, Lent, and the Easter season, which have precedence over all other celebrations, even those observed with the rank of solemnity.

According to the "General Norms of the Liturgical Year and the Calendar," no. 5, solemnities occurring on these Sundays are to be observed on the Saturday preceding.

But pastoral experience has shown that this solution raises certain problems, particularly in regard to the evening Mass and evening prayer II of some solemnity, coinciding with the evening Mass and evening prayer I of a Sunday.

To keep as complete as possible the celebration both of the Sundays in question and of those solemnities to which the faithful are particularly devoted, the Congregation for Divine Worship and the Discipline of the Sacraments, by virtue of the present Decree, emends no. 5 of “General Norms for the Liturgical Year and the Calendar” as follows:

“Because of its special importance the Sunday celebration gives way only to solemnities or feasts of the Lord. The Sundays of the seasons of Advent, Lent, and Easter, however, take precedence over all feasts of the Lord and all solemnities. Solemnities occurring on these Sundays are *transferred to the following Monday*, except in the case of their occurrence on Palm Sunday or on Easter Sunday.”

Hereafter all are to observe the norm as thus emended.

As to the particular calendars of nations, dioceses, or religious institutes already drawn up for 1991, the concession is hereby granted to follow the solution (in cases of occurrence) that these calendars have already provided on the basis of the norm in force up to the present.

The Supreme Pontiff John Paul II has approved and confirmed the contents of this Decree prepared by this Congregation, and has ordered publication of the same Decree.

All things to the contrary notwithstanding.

From the Congregation for Divine Worship and the Discipline of the Sacraments, April 22, 1990, Second Sunday of Easter, *in albis*.

CDW, 22 April 1990, decree emending general norms for the liturgical year and the calendar, *BCL Newsletter* 26 (September 1990) 33-34.

Use of the Roman Missal of 1962 (*Ecclesia Dei*) Private.

Letter of Pontifical Commission *Ecclesia Dei*, May 4, 1989:

In response to your letter of January 20, last, I am pleased to inform you that your request for a *celebret* for the use of the 1962 typical edition of the Roman Missal, for which you asked in the light of the provisions of the Holy Father’s *motu proprio Ecclesia Dei* of July 2, 1988, was favorably received by this Commission, and is hereby granted both for private celebration and for the benefit of those groups requesting it.

These celebrations may take place on Sundays, Holy Days and even on a daily basis if the faithful ask for them, provided they are harmoniously integrated into the already existing parish schedule.

Restrictions to faculty:

This faculty is in force for a private celebration. If such celebrations are to be held publicly, at the proper request of some group of the faithful, the diocesan bishop

should be approached. As regards the place of celebration, the dispositions established by the diocesan bishop, or determined for the case, are to be observed. If such a Mass is to be celebrated in parish churches, the pastor shall provide opportunely that all be organized with serene peace.

Letter sent to priest's bishop, May 2, 1989:

I am writing to inform you that a priest incardinated in your diocese, the Rev. Peter Augustine, addressed this Pontifical Commission in light of the provisions made by the Supreme Pontiff in his *motu proprio Ecclesia Dei* of 2 July, last, requesting permission to celebrate Mass using the 1962 typical edition of the Roman Missal. In virtue of special faculties given to the Commission by the Holy Father, that permission is now granted for private celebration, and, given the opportunity, for the benefit of those faithful who duly ask for it, provided they accept the validity of the Roman Missal promulgated by Pope Paul VI in 1970. These celebrations may take place on Sundays, Holy Days and even on a daily basis, and in a parish church, taking care that they be harmoniously integrated into the already existing parish schedule.

It was recommended to Father that, if it were a question of a public celebration, he should contact the local bishop. It is hoped that this concession, while meeting those "rightful aspirations" of which the Pope spoke in the *motu proprio* (cf. n. 5, c), will not only check the temptation of some to follow one of the schismatic groups, but, above all, will strengthen the bond of ecclesial unity among Christ's faithful under their legitimate pastors.

Response of diocesan bishop, June 1, 1989:

As I received your letter of May 2, 1989, only yesterday, two days after I last wrote you, I presume that our letters crossed.

As I stated in my latest correspondence, I am presently trying to fulfill the wish of the Holy Father that the typical edition of the Latin Mass be available to those who desire it. In a few days St. Paphnutius Parish, in Indian Crossing, will have a regularly scheduled weekly Mass according to the typical edition of the Roman Missal of 1962. I believe myself to have been diligent in trying to *sentire cum Ecclesia*. Nothing in my episcopal life has been more important than to follow faithfully the directives of the Holy See.

Accordingly, when Pope Paul VI promulgated the *Novus Ordo* in 1970, this was faithfully implemented in the diocese. I made every effort to respond to the induit of 1984 (*Quattuor abhinc annos*). Following the *motu proprio Ecclesia Dei* of July 1988, I allowed the celebration of Mass according to the 1962 typical edition of the Roman Missal in a parish church.

However, I feel that I would be neglecting my pastoral duty if I were not to

express, in all sincerity, my concern over the manner in which the request of Rev. Peter Augustine has been dealt with. I have always admired the *stylus curiae* in consulting the ordinary before granting an induit to a diocesan priest. Surely the bishop would be able to inform the Holy See concerning the personality of a priest.

In this case, I am particularly dismayed by the vague manner in which the terms of the induit are summarized in the covering letter, which mentions nothing of the *adeatur Episcopus, observentur dispositiones, or parochus opportune providebit* which is found in the induit. I am afraid that the priest in question does not have sufficient knowledge of Latin to understand these terms, and will be able to use the covering letter as official blanket permission to do as he chooses. This will severely hinder me from exercising my pastoral authority and responsibility.

I further note that while the induit states *aliquo coetu fidelium rite id petente*, I have never received any such request from the isolated community of Beaver Depot, where the Rev. Peter Augustine is assistant.

After long consideration and after speaking with several pastors, I find that we have in this diocese a fistful of individuals petitioning for the “Tridentine” liturgy. If their only motive was a personal desire to celebrate according to this rite, I would have no difficulty. What I am deeply concerned about is the very real possibility that their motivation is based more on a very critical attitude towards the Holy Father and the Second Vatican Council. They will not stop their demands for the old rituals until they have funeral, weddings, and Mass in Latin in all our parishes, disturbing the scheduled Masses we presently have – at a time when a shortage of priests and an increase in the numbers of the faithful in our diocese require more unity, not less.

I do not want to give Your Eminence the impression of opposing the Holy Father’s desire to assist these individuals. But I must be cautious with those who evidence very little emotional balance. (I am enclosing a letter from one of our pastors giving an example of this.)

I trust Your Eminence will not find this letter in any way prejudicial to your authority or lacking in respect and devotion to the Holy See. My only desire as bishop is to respond to the “rightful aspirations” of the faithful of my diocese and to give them proper pastoral care in accordance with and in perfect fidelity to the directives of the Holy See.

Letter of vicar general to another priest of the same diocese, September 28, 1989:

The bishop's office has been notified by the *Ecclesia Dei* Commission of the Holy See of your petition for a faculty of celebrating the Eucharistic Sacrifice according to the 1962 typical edition of the Roman Missal.

Since the Commission prefers such a faculty to be given by the ordinary of the diocese. I am pleased on behalf of the bishop to grant your request.

Enclosed is the *celebret* you requested. Please note that except for private

celebration, you are to have authorization of the diocesan bishop in whatever place you may find yourself in the exercise of this faculty.

Letter from the Pontifical Commission to a bishop in a different diocese, Septembers, 1989:

A priest incardinated in your diocese, the Rev. Joe C. Fuss, has addressed a petition to this Pontifical Commission in the light of the provisions of the Supreme Pontiff in his *motu proprio Ecclesia Dei* for the faculty of celebrating the Eucharistic Sacrifice according to the 1962 typical edition of the Roman Missal.

In order to give the request the consideration it merits, it would be helpful to have further information concerning the priest in question as to his present canonical status and assignment.

Moreover, mindful of the special bond existing between a priest and his ordinary, this Commission would much prefer that the faculty to celebrate this Mass be granted by Your Excellency. Besides, a permission granted by yourself would further promote unity with our Holy Father's provision for the pastoral care of those faithful who are attracted to some liturgical traditions within our Latin Church.

Hence, we are including with this present letter the text of the *celebret* indicating the extent and limitations of this faculty as it is given by this Commission. This text has been our normal formula of concession and might perhaps serve as a model for your own granting of this faculty should you deem it appropriate to concede it.

Sincerely desiring the promotion of the Supreme Pontiffs will as expressed in *Ecclesia Dei* and wishing to collaborate with Your Excellency in its application in your local church, we wish to express our sentiments of fraternal esteem. Thanking you in advance for the attention which you give to this request, we remain

Exchange of correspondence between diocesan officials and the Pontifical Com. *Ecclesia Dei*. 1989. *ÆÆAO*(1990) 1-5.

Anticipated Masses for All Saints and All Souls in 1986:

NCCB Com. on the Liturgy, notice, *BCL Newsletter* 22 (August 1986) 32.

Solemnities:

CDW. notice about observance of Solemnities of Saint Joseph and the Annunciation in 1989. *BCL Newsletter* 23 (September/October 1987) 4U.

Fourth Sunday of Advent and Christmas in 1989:

NCCB Com. on the Liturgy, notice, *BCL Newsletter* 25 (October/November 1989) 41-42.

Calendar changes:

Feast of Our Lady of Guadalupe: CDW, 8 January 1988, decree raising to rank of feast, *BCL*

exp Newsletter 24 (February 1988) 5.
Pel Saint Lawrence Ruiz and companions: CDW, 22 March 1988, decree including memorial in
cor Roman Calendar, *BCL Newsletter* 24 (April 1988) 13.
bisl Proper calendar for dioceses of the United States: CDW, 20 January 1989, decree confirming
changes and additions, *BCL Newsletter* 25 (March/April 1989) 15.
ofl Saint Andrew Dung-Lac and companions: CDW, 1 June 1989, decree including memorial in
adt Roman Calendar, *BCL Newsletter* 25 (August 1989) 29-30.
wh Blessed Junipero Serra: CDW, 9 December 1989. decree confirming transfer of memorial, *BCL
suf Newsletter* 26 (February 1990) 8.
CO' **Proper calendar for dioceses in the United States:**
se\ CDW, 20 December 1990, decree confirming changes and additions, *BCL Newsletter* 27 (March
1991) 12.

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De **CANON 3**

ha **Securing the civil effects in Italy of a tribunal declaration of nullity of**
Ifi **marriage. Private.**

ha Necessary Documentation for the Attainment of the Civil Effects in
th: Italy of the Declaration of Nullity of Marriage
Fa
ok
di: 1. The sentence of the 1st level (two copies duly authenticated)
2. Decree of Ratification (two copies duly authenticated)
Pr *For numbers 1 and 2, it is to be noted that when the sentence of the 2nd
un level is available, it is sufficient to send this only
Fr 3. Religious certificate of marriage
ev 4. Civil certificate of marriage issued by the County where the marriage was
pa celebrated or registered
5. Exact address of the party in question
ai 6. Petition from the parties or from one of them addressed to the competent Court
bi of Appeals, drawn up according to the enclosed facsimile and duly
to authenticated by the civil authorities (i.e., the Consulate of Italy most
di convenient to the petitioner).

L- To the Court of Appeals of (Italian city/province):
Mr./Mrs. (name), the undersigned, born on (date), residing in (city
and state), at the following address (street and number) make
H application to (name of competent authority), so the declaration of
ai nullity of the marriage, celebrated at (city and state), on the (date),
with (name of spouse) issued by the Ecclesiastical Tribunal of
d (diocese), on (date), and ratified by Decree of the Court of Appeals
on (date), be declared to have taken effect in the Republic of Italy
according to the sense of article 8, number 2, of the Accord of

modification of the Lateran Treaty of Feb. 18, 1984.

7. Fee of \$50.00. [U.S.]

Bishop Grocholewski, 1986. procedure for securing civil effects, as modified by (he Concordat of 1984. *RRAO* (1987) 70-71.

Addresses to Representatives of Other Nations:

- John Paul II. 11 January 1986, address in audience with (he diplomatic corps attached to the Holy See. *TPS* 31 (1986): 102-113; *Origins* 15 (1986): 537, 539-544
- John Paul II. 8 January 1987, address upon accepting credentials of new U S. ambassador to the Holy See, *TPS* 32 (1987): 97-99.
- John Paul 11.10 January 1987, address in audience with members of the diplomatic corps. *TPS* 32 (1987): 106-114; *Origins* 16 (1987): 592-596.
- John Paul II, 6 June 1987, statement to the President of the United States. *TPS* 32 (1987): 299-3 »3 *Origins* 17 (1987): 99-100.
- Vatican Press Office. 15 June 1987, statement on President Waldheim’s visit to the Vatican. *TPS* 32 (1987): 229; *Origins* 17 (1987): 117. 119.
- Catholic and Jewish Leaders. 31 August 1987, joint statement, *Origins* 17 (1987): 197. 199.
- John Paul II, 9 January 1988, address to diplomatic corps. *Origins* 17 (1988): 547-551.
- John Paul II, 9 January 1989, address to diplomatic corps, *TPS* 34 (1989): 193-200; *Origins* 18 (1989): 541-544.
- John Paul II, 13 January 1990. address to diplomatic corps. *TPS* 35 (1990): 219-226; *Origins* 19 (1990): 577-580.
- John Paul II, 21 February 1990, statement to UN General Assembly *re* drug abuse and trafficking. 77’5 35 (1990): 272-275.

CANON 8

Particular Legislation: Promulgation of Complementary Norms.

Canada:

In accordance with the prescriptions of canons 8, §2 and 455. §3, the Canadian Conference of Catholic Bishops hereby decrees (hat the decrees enacted by the Conference of Bishops, after recognition by the Apostolic See. are promulgated through publication in the series “Official Document – *Document officier* of the Conference. In certain cases, another method of promulgation may also be prescribed.

These decrees come into force one calendar month after the date affixed to the decree of publication, unless, because of the nature of the case, they bind at once, or unless a shorter or longer interval has been specifically and expressly prescribed in the decree itself.

OD no. 572; 26-06-87.

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The Gambia, Liberia, and Sierra Leone:

Laws enacted by the Conference will be promulgated by circular letter signed by the president of the Conference and sent to the local bishop to be distributed to all parish priests and national conferences of religious superiors. Laws begin to oblige three months from the date of promulgation unless a different period is prescribed in the law itself.

/TC4B/C 3 (1986): 8.

South Africa:

In accordance with the prescriptions of canon 8, §2, the Southern African Catholic Bishops' Conference hereby decrees that laws enacted by the Episcopal Conference, after recognition by the Apostolic See, are promulgated through publication as an "Official Document" of the Conference, although in certain cases another method of promulgation may also be prescribed.

These laws come into force one calendar month after the date affixed to the decree of publication, unless they bind at once because of the nature of the case, or unless a shorter or longer interval has been specified and expressly prescribed in the law itself.

SACBC, Decree No. 1.

CANON 87

Competence of diocesan bishop to permit a lay person to preach the homily at Mass, 3 December 1986. Private.

I am responding to your letter of 14 November 1986 regarding the meaning of canon 767, §1. As you slated, the meaning of the canon is quite clear. "The homily is a part of the liturgy itself and is reserved to a priest or to a deacon." Even the possibility of preaching by the laity mentioned in canon 766 is governed by this norm of canon 767, §1.

So your question more properly concerns the dispensing power of the diocesan bishop which is governed by canons 85-93. It is necessary to establish whether the diocesan bishop has this power with respect to canon 767, §1 or not. This will require further research and study following the established procedures of this Commission.

As a personal response to your question at this moment, while the necessary study moves ahead, I would like to call to your attention that any dispensation must meet the requirements of canons 85 and 87. The dispensation must be in individual

cases and not be granted on a habitual basis. Acting against these norms would be a derogation of the law rather than a dispensation from it. Of course a dispensation must also be granted in view of the true spiritual welfare of the faithful.

My own personal opinion about the case you present, is that the bishop does not have the power to dispense from this law. This particular canon is not simply a disciplinary law but also a liturgical law. It states that the homily, reserved to a priest or deacon, is some kind of constitutive part of the liturgical celebration.

I hope that this will help clarify the doubts you expressed in your letter until a fuller and more authoritative response can be given.

Pont. Com. for the Auth. Interp. of the *Code of Canon Law*. 3 December 1986. letter to diocesan bishop, /?KAO(1987): 6-7.

CANON 119

Authentic Interpretation: Elections, 28 June 1990. AAS 82 (1990): 845.

D. Whether, during elections held according to the norm of c. 119, 1°, an absolute majority of votes of those present is required even in the third scrutiny, or, except in cases of a tie, does a relative majority suffice?

R. Negative to the first part; affirmative to the second.

Pont. Comm, for the Auth. Interp. of the *Code of Canon Law* or Pont. Council for the Interp. of Leg. Texts, AAS 82 (1990): 845; *RRAO* (1990): 116A.

CANON 153

Term of office of superior general and general council. Private.

Letter of superior general:

The practice of the Institute has been to schedule our General Chapter of Elections one year prior to the time that the offices of the general superior and council become vacant *de jure*.

The 1985 General Chapter voted for a six-month interval between the General Chapter of Elections and the date of the vacancy of the offices. However, in doing so, it will be necessary for us to change the duration of the next term of office because of restrictions regarding the time of the year in which we can hold General Chapter. It is necessary for us to hold General Chapter during the summer months. Consequently, in order to provide the six-month interval, the duration of the next term of office must be modified.

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Specifically, my second term of office begins in July 1986. The General Chapter voted (35-5) to schedule the next General Chapter in July 1989. The limit of asix-month interval requires that the officers elected in July 1989 take office by January 1990, thus shortening the term from four to three and one-half years.

In order to accommodate both the revised code and the necessity of scheduling General Chapter during the summer months, the 1985 Chapter voted to request an Induit to shorten the next term of office of the general superior and council from four years to three and one-half years.

Reply to superior general from *CRIS*:

In response to your letter of January 1,1986, written in the name of the General Chapter of 1985, this Congregation for Religious and Secular Institutes grants permission to shorten the next term of office of the general superior and council from four to three and one-half years for the reasons given in the petition.

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Exchange of correspondence between religious and CRIS, 1986, ÆÆAO(1987): 81-82.

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BOOK II
THE PEOPLE OF GOD

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CANON 206**Catechumenate:**

National Statutes for the Catechumenate: Confirmed by the Congregation for Divine Worship on 26 June 1988 (Prot. No. 1191/86). (Cf. full text under canon 788).

CANON 214**Place of Eucharistic Celebration, 10 May 1989. Private.****Background of case:**

In 1988, the parishioners of three small, rural parishes petitioned the Archbishop of Antioch that they be merged into one new parish, inasmuch as the faithful could no longer support the three parishes nor could the archdiocese staff them. Accordingly, the merger took place; the oldest and most historic church building was designated the parish church of the newly founded parish dedicated to St. Maximilian Kolbe. The building was more than a century old and had not been properly maintained, so a thorough renovation and updating was ordered by the archbishop.

A group of parishioners appealed this decision by hierarchical recourse on November 18, 1988, transmitting their request through the Apostolic Pro-Nuncio, with the request that it be forwarded to “the appropriate dicastery of the Holy See.” The archbishop was informed on February 8, 1989, that, upon instructions from the Supreme Tribunal of the Apostolic Signatura, the petition had been forwarded to the Congregation for the Clergy. This Congregation decided in favor of the archbishop quite quickly; he ordered the renovation to begin on March 2, 1989.

On March 8, 1989, the same parishioners asked that the archbishop delay the process for three years; he rejected this request on March 21, 1989.

The group then maintained that the decision of the Congregation of the Clergy had focused primarily on the fact of the merger of the three parishes and not upon the renovation of the historic church building, which was the point at issue in their petition. Accordingly, appealing to canon 214, they had recourse to the Congregation for Divine Worship and the Discipline of the Sacraments.

Decree of Cong, for Divine Worship, May 10, 1989:

The provision in question concerning the archbishop is motivated by its pastoral purpose: putting into effect the Ecumenical Council of Vatican II, as well as whatever concerns sacred edifices, according to what has been anticipated in the

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Constitution *Sacrosanctum Concilium* n. 128 and established in the Instruction *Inter oecumenici* (September 26, 1964), n. 90... The Most Excellent Archbishop, according to the norm of canon 1216 of the *Code of Canon Law*, did consult not only the experts in the matter concerned, but has also obtained the favorable opinion of the presbyteral council.

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There is in addition to these no requirement for any approval on the part of the faithful.

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Cong, for Div. Worship, 10 May 1989, decree upholding decree of diocesan bishop (unofficial translation), *RRAO* (1990): 6-7.

Further developments:

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On May 29, 1989, the same recurrences attempted to have their plea heard by the Supreme Tribunal of the Apostolic Signatura, based on two arguments: 1) a false interpretation on the part of the Congregation of n. 90 of the Instruction *Inter oecumenici* due to the importance of the church building for historical and artistic reasons; 2) a violation of canons 1292, §2, and 1295 on the part of the archbishop, by reason of alienation of church property beyond the upper limit set by the episcopal conference.

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In a decree dated February 2, 1990, that Supreme Tribunal first reviewed the history of the case, and cited the quotation given above from the Congregation for Divine Worship and the Discipline of the Sacraments. They determined that the issue turned upon the “active legitimation” of the party recurrent; having heard the promoter of justice, to whom reply was made by the procurators for both parties, it issued this decree:

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Decree of Apostolic Tribunal, February 2, 1990:

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Not every burden is sufficient to enable someone to enjoy active legitimation to institute juridic recourse; there must be a burden worthy of juridic consideration, which is not truly found in any sort of injury to utility or convenience, but because of the injury of a personal, direct, and actual interest, based on the law and proportionate (cf. the definitive decree of this Supreme Tribunal, January 23, 1988, in *Communicationes* 20 [1988] pp. 88-94; cf. n. 5, p. 91);

The right discussed in canon 214 is not tied to any parish church or sacred building (cf. *ibid.*, 7a, p. 93), much less to its internal arrangement, decoration, or ornament;

Just as the suppression of a church, so also the renovation of a church can be a source of some inconveniences or difficulties; but such an interest, although real, does not appear to be so rooted in law that it would legitimize a true recourse; it could offer an opportunity for a petition of favor, but clearly not for juridic recourse (cf. *ibid.*, n. 7b, pp. 93-94);

The same should be said about the general interest which all the faithful have in the conservation of sacred buildings or monuments of the Church which are outstanding for their art or history. The faithful can offer their preferences or complaints to the higher ecclesiastical authority; but such an interest can in no way offer a basis for initiating hierarchical recourse (ibid., n. 7c, p. 94);

[Therefore] the recourse is to be denied from the outset because of a defect of active legitimation in the party recurrent.

Ap. Signatura, 2 February 1990, decree denying recourse (unofficial translation). *RRAO* (1990): 7-8.

Charismatic Renewal:

John Paul II. 15 November 1986, address to Italian National Catholic Charismatic Movement. *TPS* 32 (1987): 69-72.

Right to Worship:

John Paul II, 29 September 1987, address to Ukrainian bishops. *TPS* 33 (1988): 33-37.

Christian Meditation:

CDF, 15 October 1989, instruction, *AAS* 82 (1990): 362-379; *TPS* 35 (1990): 88-101; *Origins* 19 (1989): 492-498.

CANON 218

Moral Theology:

John Paul II. 10 April 1986, address to International Congress on Moral Theology, *TPS* 31 (1986): 175-179.

CANON 220

The reputation of a religious institute attacked by rumors. Private.

Letter from CRIS to superior general, May 24, 1986:

It has been brought to the attention of this Congregation that three members of your Institute are working in the country of Laticia in South America in the diocese of Alexandria, without the permission of the Ordinary of the place, as is required by Canon Law.

I am asking that you communicate to this Congregation if this is true, and if the status of these religious who have not been welcomed by the bishops has been regularized.

I am also asking you if and how your Institute has intervened to guarantee a closer collaboration with the bishops.

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Thanking you in advance, I await your respectful reply and I take this opportunity to offer sentiments of esteem.

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Letter from superior general to CRIS:

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I have received your letter of May 24th, 1986, inquiring about the presence of members of our Congregation in the diocese of Alexandria, Lativa in South America. There are no members of our Congregation serving in that diocese.

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In our Congregation the mission assignment of the members is the responsibility of the provincial or vice provincial superiors who also assume the responsibility for the appropriate communication with the Bishops of the diocese involved. With respect to our overseas mission, it is my practice to visit the Bishops or, if that be not possible, to have written communication with them.

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Thanking you for your service to us, I remain.

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Exchange of correspondence between Cong, for Rel. and Sec. Inst, and superior general, 1986, *RRAO* (1987): 83-84.

CANON 224

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Apostolic Exhortation on the Laity (*Christifideles Laid*), 30 December 1988. *AAS* 10 (1988): 1255-1374.

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Introduction

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1. The lay members of Christ’s faithful people (*Christifideles Laid*), whose “vocation and mission in the church and in the world 20 years after the Second Vatican Council” was the topic of the 1987 Synod of Bishops, are those who form that part of the people of God which might be likened to the laborers in the vineyard mentioned in Matthew’s Gospel: “For the kingdom of heaven is like a householder who went out early in the morning to hire laborers for his vineyard. After agreeing with the laborers for a denarius a day, he sent them into his vineyard” (Mt 20:1 -2).

The Gospel parable sets before our eyes the Lord’s vast vineyard and the multitude of persons, both women and men, who are called and sent forth by him to labor in it. The vineyard is the whole world (cf. Mt 13:38), which is to be transformed according to the plan of God in view of the final coming of the kingdom of God.

You Go Into My Vineyard Too

2. “And going out about the third hour he saw others standing idle in the

marketplace; and to them he said, ‘You go into the vineyard too’” (Mt 20:3-4).

From that distant day the call of the Lord Jesus, “you go into my vineyard too,” never fails to resound in the course of history: It is addressed to every person who comes into his to world.

In our times the church after Vatican II, in a renewed outpouring of the Spirit of Pentecost, has come to a more lively awareness of her missionary nature and has listened again to the voice of her Lord, who sends her forth into the world as “the universal sacrament of salvation.”¹

You go too. The call is a concern not only of pastors, clergy, and men and women religious. The call is addressed to everyone: Lay people as well are personally called by the Lord, from whom they receive a mission on behalf of the church and the world. In preaching to the people, St. Gregory the Great recalls this fact and comments on the parable of the laborers in the vineyard: Keep watch over your manner of life, dear people, and make sure that you are indeed the Lord’ laborers. Each person should take into account what he does and consider if he is laboring in the vineyard of the Lord.”²

The council in particular, with its rich doctrinal, spiritual and pastoral patrimony, has written as never before on the nature, dignity, spirituality, mission and responsibility of the lay faithful. And the council fathers, re-echoing the call of Christ, have summoned all the lay faithful, both women and men, to labor in the vineyard: “The council, then, makes an earnest plea in the Lord’s name that all lay people give a glad, generous and prompt response to the impulse of the Holy Spirit and to the voice of Christ, who is giving them an especially urgent invitation at this moment. Young people should feel that this call is directed to them in particular and they should respond to it eagerly and magnanimously. The Lord himself renews his invitation to all the lay faithful to come closer to him every day, and with the recognition that what is his is also their own (Phil. 2:5), they ought to associate themselves with him in his saving mission. Once again he sends them into every town and place where he himself is to come” (cf. Lk 10:1)?

You go into my vineyard too. During the Synod of Bishops, held in Rome, Oct. 1-30, 1987, these words were re-echoed in spirit once again. Following the path marked out by the council and remaining open to the light of the experience of persons and communities from the whole church, the fathers, enriched by preceding synods, treated in a specific and extensive manner the topic of the vocation and mission of the lay faithful in the church and in the world.

In this assembly of bishops there was not lacking a qualified representation of the lay faithful, both women and men, which rendered a valuable contribution to the synod proceedings. This was publicly acknowledged in the concluding homily:

¹ Second Vatican Council, Dogmatic Constitution on the Church *Lumen gentium*, 48.

² St. Gregory the Great, *Hom. in Evang.* I. XIX, 2: *Patrologia Latina* 76. 1155.

³ Second Vatican Council, Decree on the Apostolate of Lay People *Apostolicam Actuositatem*, 33.

“We give thanks that during the course of the synod we have not only rejoiced in the participation of lay faithful (both men and women auditors) but even more so in that the progress of the synodal discussions has enabled us to listen to those whom we invited, representatives of the lay faithful from all parts of the world, from different countries, and to profit from their experience, their advice and the suggestions they have offered out of love for the common cause.”⁴

In looking over the years following the council, the synod fathers have been able to verify how the Holy Spirit continues to renew the youth of the church and how he has inspired new aspirations toward holiness and the participation of so many lay faithful. This is witnessed, among other ways, in the new manner of active collaboration among priests, religious and the lay faithful; the active participation in the liturgy, in the proclamation of the word of God and catechesis; the multiplicity of services and tasks entrusted to the lay faithful and fulfilled by them; the flourishing of groups, associations and spiritual movements as well as a lay commitment in the life of the church; and in the fuller and meaningful participation of women in the development of society.

At the same time, the synod has pointed out that the post-conciliar path of the lay faithful has not been without its difficulties and dangers. In particular, two temptations can be cited which they have not always known how to avoid: the temptation of being so strongly interested in church services and tasks that some fail to become actively engaged in their responsibilities in the professional, social, cultural and political world; and the temptation of legitimizing the unwarranted separation of faith from life, that is, a separation of the Gospel's acceptance from the actual living of the Gospel in various situations in the world.

In the course of its work, the synod made constant reference to the Second Vatican Council, whose teaching on the lay faithful after 20 years has taken on a surprisingly contemporary character and at times has carried prophetic significance: Such teaching has the capacity of enlightening and guiding the responses that today must be given to new situations. In reality, the challenge embraced by the synod fathers has been that of indicating the concrete ways through which this rich “theory” on the lay state expressed by the council can be translated into authentic church “practice.” Some situations have made themselves felt because of a certain “novelty” that they have, and in this sense they can be called post-conciliar, at least chronologically: To these the synod fathers have rightly given a particular attention in the course of their discussions and reflection. Among those situations to be recalled are those regarding the ministries and church services entrusted at present and in the future to the lay faithful, the growth and spread of new “movements” alongside other group forms of lay involvement, and the place and role of women both in the church and in society.

At the conclusion of their work, which proceeded with great commitment,

⁴ John Paul II. Homily at synod closing Mass (October 30, 1987): AAS 80 (1988): 598.

competence and generosity, the synod fathers made known to me their desires and requested that at an opportune time, a conclusive papal document on the topic of the lay faithful be offered to the universal church.⁵

This post-synodal apostolic exhortation intends to take into account all the richness of the synod work, from the *lineamenta* to the *instrumentum laboris*, from the introductory report, the presentations of individual bishops and lay persons to the summary reports after discussion in the synodal hall, from the discussions and reports of the “small groups” to the final “propositions” and the concluding “message.” For this reasons the present document is not something in contradistinction to the synod, but is meant to be a faithful and coherent expression of it, a fruit of collegiality. As such, the Council of the General Secretariat of the Synod of Bishops and the secretariat itself have contributed to its final form.

This exhortation intends to stir and promote a deeper awareness among all the faithful of the gift and responsibility they share, both as a group and as individuals, in the communion and mission of the Church.

The Pressing Needs of the World Today: “Why Do You Stand Here Idle All Day?”

3. The basic meaning of this synod and the most precious fruit desired as a result of it, is the lay faithful’s hearkening to the call of Christ the Lord to work in his vineyard, to take an active conscientious and responsible part in the mission of the church in this great moment in history, made especially dramatic by occurring on the threshold of the third millennium.

A new state of affairs today both in the church and in social, economic, political and cultural life, calls with particular urgency for the action of the lay faithful. If lack of commitment is always unacceptable, the present time renders it even more so. It is not permissible for anyone to remain idle.

We continue in our reading of the Gospel parable: “And about the eleventh hour he went out and found others standing; and he said to them ‘Why do you stand here idle all day?’ They said to him, ‘Because no one has hired us.’ He said to them, ‘You go into the vineyard too’” (Mt 20:6-7).

Since the work that awaits everyone in the vineyard of the Lord is so great, there is no place for idleness. With even greater urgency the “householder” repeats his invitation: “You go into my vineyard too.”

The voice of the Lord clearly resounds in the depths of each of Christ’s followers, who through faith and the sacraments of Christian initiation is made like Jesus Christ, is incorporated as a living member of the church and has an active part in her mission of salvation. The voice of the Lord also comes to be heard through the historic events of the church and humanity as the council reminds us: “The people of God believes that it is led by the Spirit of the Lord, who fills the

⁵ Cf. Proposition I.

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whole world. Moved by this faith it tries to discern authentic signs of God's presence and purpose in the events, the needs and the longings which it shares with other people of our time. For faith throws a new light on all things and makes known the full ideal to which God has called each individual and thus guides the mind: toward solutions which are fully human."⁶

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It is necessary, then, to keep a watchful eye on this our world, with its problems and values, its unrest and hopes, its defeats and triumphs: a world whose economic, social, political and cultural affairs pose problems and grave difficulties in light of the description provided by the council in the pastoral constitution *Gaudium et Spes*? This, then, is the vineyard; this is the field in which the faithful are called to fulfill their mission. Jesus wants them, as he wants all his disciples, to be the "salt of the earth" and the "light of the world" (cf. Mt 5:13-14). But what is the actual state of affairs of the "earth" and the "world," for which Christians ought to be "salt" and "light"?

The variety of situations and problems that exist in our world is indeed great and rapidly changing. For this reason it is all the more necessary to guard against generalizations and unwarranted simplifications. It is possible, however, to highlight some trends that are emerging in present-day society. The Gospel records that the weeds and the good grain grew together in the farmer's field. The same is true in history, where in everyday life there often exist contradictions in the exercise of human freedom, where there is found, side by side and at times closely intertwined, evil and good, injustice and justice, anguish and hope.

Secularism and the Need for Religion

4. How can one not notice the ever-growing existence of religious indifference and atheism in its more varied forms, particularly in its perhaps most widespread form of secularism? Adversely affected by the impressive triumphs of continuing scientific and technological development and, above all, fascinated by a very old and yet new temptation, namely, that of wishing to become like God (cf. Gn 3:5) through the use of a liberty without bounds, individuals cut the religious roots that are in their hearts; they forget God or simply retain him without meaning in their lives or outright reject him and begin to adore various "idols" of the contemporary world.

The present-day phenomenon of secularism is truly serious not simply as

• Second Vatican Council. Pastoral Constitution on the Church in the Modern World *Gaudium et Spes*. II.

The fathers of the extraordinary synod of 1985, after affirming "the great importance and timeliness of the pastoral constitution *Gaudium et Spes*, continue: "Nevertheless, at the same time, they perceive that the signs of our times are in part different from those at the time of the council, with its problems and major trends. In fact, hunger, oppression, injustice and war, suffering, terrorism and forms of various kinds of violence are growing everywhere in the world today" (Final Report, II. D. 1).

regards the individual, but in some ways as regards whole communities, as the council has already indicated: “Growing numbers of people are abandoning religion in practice.”⁸ At other times I myself have recalled the phenomenon of de-Christianization that strikes longstanding Christian people and which continually calls for a re-evangelization.

Human longing and the need for religion, however, are not able to be totally extinguished. When persons in conscience have the courage to face the more serious questions of human existence – particularly questions related to the purpose of life, to suffering and to dying – they are unable to avoid making their own the words of truth uttered by St. Augustine: “You have made us for yourself, O Lord, and our hearts are restless until they rest in you.”⁹ In the same manner the present-day world bears witness to this as well in ever-increasing and impressive ways, through an openness to a spiritual and transcendent outlook toward life, the renewed interest in religious research, the return to a sense of the sacred and to prayer, and the demand for freedom to call upon the name of the Lord.

The Human Person: A Dignity Violated and Exalted

5. We furthermore call to mind the violations to which the human person is subjected.

When the individual is not recognized and loved in the person's dignity as the living image of God (cf. Gn 1:26), the human being is exposed to more humiliating and degrading forms of “manipulation” that most assuredly reduce the individual to a slavery to those who are stronger. “Those who are stronger” can take a variety of names: an ideology, economic power, political and inhumane systems, scientific technocracy or the intrusiveness of the mass media. Once again we find ourselves before many persons, our sisters and brothers, whose fundamental rights are being violated owing to their exceedingly great capacity for endurance and to the clear injustice of certain civil laws: the right to life and to integrity, the right to a house and to work, the right to a family and responsible parenthood, the right to participation in public and political life, the right to freedom of conscience and the practice of religion.

Who is able to count the number of babies unborn because they have been killed in their mothers' wombs, children abandoned and abused by their own parents, children who grow without affection and education? In some countries entire populations are deprived of housing and work, lacking the means absolutely essential for leading a life worthy of a human being, and are deprived even of those things necessary for their sustenance. There are great areas of poverty and of

* *Gaudium et Spes*, 7.

¹ St. Augustine, *Confessions*, 1.1: *Corpus Christianorum, Senes Latina (Collected Works of Christian Writers, Latin Series)* 27,1.

misery, both physical and moral, existing at this moment on the periphery of great cities. Entire groups of human beings have been seriously afflicted.

But the sacredness of the human person cannot be obliterated no matter how often it is devalued and violated because it has its unshakable foundation in God as Creator and Father. The sacredness of the person always keeps returning again and again.

The sense of the dignity of the human person must be pondered and reaffirmed in stronger terms. A beneficial trend is advancing and permeating all peoples of the earth, making them ever more aware of the dignity of the individual: The person is not at all a “thing” or an “object” to be used, but primarily a responsible “subject,” one endowed with conscience and freedom, called to live responsibly in society and history and oriented toward spiritual and religious values.

It has been said that ours is the time of “humanism”: Paradoxically, some of its atheistic and secularistic forms arrive at a point where the human person is diminished and annihilated; other forms of humanism instead exalt the individual in such a manner that these forms become a veritable and real idolatry. There are still other forms, however, in line with the truth, which rightly acknowledge the greatness and misery of individuals and manifest, sustain and foster the total dignity of the human person.

The sign and fruit of this trend toward humanism is the growing need for participation, which is undoubtedly one of the distinctive features of present-day humanity, a true “sign of the times” that is developing in various fields and in different ways: above all the growing need for participation regarding women and young people not only in areas of family and academic life, but also in cultural, economic, social and political areas. To be leading characters in this development, in some ways to be creators of a new, more humane culture, is a requirement both for the individual and for peoples as a whole.¹⁰

Conflict and Peace

6. Finally, we are unable to overlook another phenomenon that is quite evident in present-day humanity: Perhaps as never before in history, humanity is daily buffeted by conflict. This is a phenomenon which has many forms, displayed in a legitimate plurality of mentalities and initiatives but manifested in the fatal opposition of persons, groups, categories, nations and blocs of nations. This opposition takes the form of violence, of terrorism and of war. Once again, but with proportions enormously widespread, diverse sectors of humanity today, wishing to show their “omnipotence,” renew the futile experience of constructing the “tower of Babel” (cf. Gn 11:1-9), which spreads confusion, struggle,

Cf Working Paper. ‘The Vocation and Mission of the Lay Faithful in the Church and in the World 20 Years After the Second Vatican Council,’ 5-10.

disintegration and oppression. The human family is thus in itself dramatically convulsed and wounded.

On the other hand, totally unsuppressible is that human longing experienced by individuals and whole peoples for the inestimable good of peace and justice. The Gospel Beatitude “Blessed are the peacemakers” (Mt 5:9) finds in the people of our time a new and significant resonance: Entire populations today live, suffer and labor to bring about peace and justice. The participation by so many persons and groups in the life of society is increasingly pursued today as the way to make a desired peace become a reality. On this road we meet many lay faithful generously committed to the social and political field working in a variety of institutional forms and those of a voluntary nature in service to the least.

Jesus Christ, the Hope of Humanity

7. This, then, is the vast field of labor that stands before the laborers sent forth by the “householder” to work in his vineyard.

In this field the church is present and working, every one of us, pastors, priests, deacons, religious and lay faithful. The adverse situations here mentioned deeply affect the church: They in part condition the church, but they do not crush her nor even less overcome her because the Holy Spirit, who gives her life, sustains her in her mission.

Despite every difficulty, delay and contradiction caused by the limits of human nature, by sin and by the Evil One, the church knows that all the forces that humanity employs for communion and participation find a full response in the intervention of Jesus Christ, the redeemer of man and of the world.

The church knows that she is sent forth by him as “sign and instrument of intimate union with God and of the unity of all the human race.”¹¹

Despite all this, then, humanity is able to hope. Indeed it must hope: The living and personal Gospel, Jesus Christ himself, is the “good news” and the bearer of joy that the church announces each day, and to whom the church bears testimony before all people.

The lay faithful have an essential and irreplaceable role in this announcement and in this testimony: Through them the church of Christ is made present in the various sectors of the world as a sign and source of hope and of love.

¹¹ *Lumen Gentium*, 1.

1.1 AM THE VINE AND YOU ARE THE BRANCHES

The Dignity of the Lay Faithful in the Church As Mystery

The Mystery of the Vine

8. The Sacred Scriptures use the image of the vine in various ways. In a particular case, the vine serves to express the mystery of the people of God. From this perspective, which emphasizes the church's internal nature, the lay faithful are seen not simply as laborers who work in the vineyard, but as themselves being a part of the vineyard. Jesus says, "I am the vine, you are the branches" (Jn 15:5).

The prophets in the Old Testament used the image of the vine to describe the chosen people. Israel is God's vine, the Lord's own work, the joy of his heart: "I have planted you a choice vine" (Jer 2:21); "Your mother was like a vine in a vineyard transplanted by the water, fruitful and full of branches by reason of abundant water" (Ez 19:10); "My beloved had a vineyard on a very fertile hill. He dug it and cleared it of stones and planted it with choice vines" (Is 5:1-2).

Jesus himself once again takes up the symbol of the vine and uses it to illustrate various aspects of the kingdom of God: "A man planted a vineyard, and set a hedge around it, and dug a pit for the winepress, and built a tower and let it out to tenants and went into another country" (Mk 12:1 ; cf. Mt 21:28ff).

John the Evangelist invites us to go further and leads us to discover the mystery of the vine: It is the figure and symbol not only of the people of God, but of Jesus himself. He is the vine and we, his disciples, are the branches. He is the "true vine," to which the branches are engrafted to have life (cf. Jn 15:1 ff).

The Second Vatican Council, making reference to the various biblical images that help to reveal the mystery of the church, proposes again the image of the vine and the branches: "Christ is the true vine who gives life and fruitfulness to the branches, that is, to us. Through the church we abide in Christ, without whom we can do nothing (Jn 15:1-5)."¹² The church herself, then, is the vine in the Gospel. She is mystery because the very life and love of the Father, Son and Holy Spirit are the gift gratuitously offered to all those who are born of water and the Holy Spirit (cf. Jn 3:5), and called to relive the very communion of God and to manifest it and communicate it in history (mission): "In that day," Jesus says, "you will know that I am in my Father and you in me, and I in you" (Jn 14:20).

Only from inside the church's mystery of communion is the "identity" of the lay faithful made known and their fundamental dignity revealed. Only within the context of this dignity can their vocation and mission in the church and in the world be defined.

¹² Ibid . 6.

Who Are the Lay Faithful?

9. The synod fathers have rightly pointed to the need for a definition of the lay faithful's vocation and mission in positive terms, through an in-depth study of the teachings of the Second Vatican Council in light of both recent documentation from the magisterium and the lived experience of the church, guided as she is by the Holy Spirit.¹³

In giving a response to the question, Who are the lay faithful? the council went beyond previous interpretations, which were predominantly negative. Instead it opened itself to a decidedly positive vision and displayed a basic intention of asserting the full belonging of the lay faithful to the church and to its mystery. At the same time it insisted on the unique character of their vocation, which is in a special way to "seek the kingdom of God by engaging in temporal affairs and ordering them according to the plan of God."¹⁴ "The term *layfaithful*" – we read in the constitution on the church, *Lumen Gentium* – "is here understood to mean all the faithful except those in holy orders and those who belong to a religious state sanctioned by the church. Through baptism the lay faithful are made one body with Christ and are established among the people of God. They are in their own way made sharers in the priestly, prophetic and kingly office of Christ. They carry out their own part in the mission of the whole Christian people with respect to the church and the world."¹⁵

Pius XII once stated: "The faithful, more precisely the lay faithful, find themselves on the front lines of the church's life; for them the church is the animating principle for human society. Therefore, they in particular ought to have an ever-clearer consciousness not only of belonging to the church, but of being the church, that is to say, the community of the faithful on earth under the leadership of the pope, the head of all, and of the bishops in communion with him. These are the church."¹⁶

According to the biblical image of the vineyard, the lay faithful, together with all the other members of the church, are branches engrafted to Christ, the true vine, and from him derive their life and fruitfulness.

Incorporation into Christ through faith and baptism is the source of being a Christian in the mystery of the church. This mystery constitutes the Christian's most basic "features" and serves as the basis for all the vocations and dynamism of the Christian life of the lay faithful (cf. Jn 3:5). In Christ, who died and rose from the dead, the baptized become a "new creation" (Gal 6:15; 2 Cor 5:17) washed clean from sin and brought to life through grace.

¹³ Cf. Proposition 3.

¹⁴ *Lumen Gentium*, 31.

¹⁵ Ibid.

¹⁶ Pius XII, Discourse to the new cardinals, February 20, 1946 AAS 38 (1946): 149.

Therefore, only through accepting the richness in mystery that God gives to the Christian in baptism is it possible to come to a basic description of the lay faithful.

Baptism and the "Newness" of Christian Life

10. It is no exaggeration to say that the entire existence of the lay faithful has as its purpose to lead a person to a knowledge of the radical newness of the Christian life that comes from baptism, the sacrament of faith, so that this knowledge can help that person live the responsibilities which arise from that vocation received from God. In arriving at a basic description of the lay faithful, we now more explicitly and directly consider among others the following three fundamental aspects: Baptism regenerates us in the life of the Son of God, unites us to Christ and to his body, the church, and anoints us in the Holy Spirit, making us spiritual temples.

Children in the Son

11. We here recall Jesus' words to Nicodemus: "Truly, truly, I say to you, unless one is born of water and the Spirit, he cannot enter the kingdom of God" (Jn 3:5). Baptism, then, is a rebirth, a regeneration.

In considering this aspect of the gift which comes from baptism, the apostle Peter breaks out into song: "Blessed be the God and Father of our Lord Jesus Christ! By his great mercy we have been born anew to a living hope through the resurrection of Jesus Christ from the dead, and to an inheritance which is imperishable, undefiled and unfading" (1 Pt 1:3-4). And he calls Christians those who have been "born anew, not of perishable seed but of imperishable, through the living and abiding word of God" (1 Pt 1:23).

With baptism we become children of God in his only begotten Son, Jesus Christ. Rising from the waters of the baptismal font, every Christian hears again the voice that was once heard on the banks of the Jordan River: "You are my beloved son; with you I am well pleased" (Lk 3:22). From this comes the understanding that one has been brought into association with the beloved Son, becoming a child of adoption (cf. Gal 4:4-7) and a brother or sister of Christ. In this way the eternal plan of the Father for each person is realized in history: "For those whom he foreknew he also predestined to be conformed to the image of his Son, in order that he might be the firstborn among many brethren" (Rom 8:29).

It is the Holy Spirit who constitutes the baptized as children of God and members of Christ's body. St. Paul reminds the Christians of Corinth of this fact: "For by one Spirit we are all baptized into one body" (1 Cor 12:13), so that the apostle can say to the lay faithful, "now you are the body of Christ and individually members of it" (1 Cor 12:27); "and because you are sons, God has sent the Spirit of his Son into our hearts" (Gal 4:6; cf. Rom 8:15-16).

We Are One Body in Christ

12. Regenerated as “children in the Son,” the baptized are inseparably joined together as “members of Christ and members of the body of the church,” as the Council of Florence teaches.¹⁷

Baptism symbolizes and brings about a mystical but real incorporation into the crucified and glorious body of Christ. Through the sacrament, Jesus unites the baptized to his death so as to unite the recipient to his resurrection (cf. Rom 6:3-5). The “old man” is stripped away for a reclothing with “the new man.” that is, with Jesus himself: “For as many of you as were baptized into Christ have put on Christ” (Gal 3:27; cf. Eph 4:22-24; Col 3:9-10). The result is that “we, though many, are one body in Christ” (Rom 12:5).

In the words of St. Paul, we find again the faithful echo of the teaching of Jesus himself, which reveals the mystical unity of Christ with his disciples and the disciples with each other, presenting it as an image and extension of that mystical communion that binds the Father to the Son, and the Son to the Father in the bond of love, the Holy Spirit (cf. Jn 17:21). Jesus refers to this same unity in the image of the vine and the branches: “I am the vine, you the branches” (Jn 15:5), an image that sheds light not only on the deep intimacy of the disciples with Jesus, but on the necessity of a vital communion of the disciples with each other: All are branches of a single vine.

Holy and Living Temples of the Spirit

13. In another comparison, using the image of a building, the apostle Peter defines the baptized as “living stones” founded on Christ, the “cornerstone.” and destined to “be raised up into a spiritual building” (1 Pt 2:5ff). The image introduces us to another aspect of the newness of Christian life coming from baptism and described by the Second Vatican Council: “By regeneration and the anointing of the Holy Spirit, the baptized are consecrated into a spiritual house.”¹⁶

The Holy Spirit “anoints” the baptized, sealing each with an indelible character (cf. 2 Cor 1:21-22), and constituting each as a spiritual temple, that is. he fills this temple with the holy presence of God as a result of each person’s being united and likened to Jesus Christ.

With this spiritual “unction,” Christians can repeat in an individual way the words of Jesus: “The Spirit of the Lord is upon me. because he has anointed me to preach good news to the poor. He has sent me to proclaim release to captives and recovering of sight to the blind, to set at liberty those who are oppressed, to f

Ecumenical Council of Florence, *Dee, pro Armeniis*. Denzinger-Schonmetzer. *Enchiridion Symbolorum*, 1314.

¹⁶ *Lumen Gentium*, 10.

proclaim the acceptable year of the Lord” (Lk 4:18-19, cf. Is 61:1-2). Thus, with the outpouring of the Holy Spirit in baptism and confirmation, the baptized share in the same mission of Jesus as the Christ, the Savior-Messiah.

Sharers in the Priestly, Prophetic and Kingly Mission of Jesus Christ

14. Referring to the baptized as “newborn babes,” the apostle Peter writes: “Come to him, to that living stone rejected by men but in God’s sight chosen and precious; and like living stones be yourselves built into a spiritual house, to be a holy priesthood to offer spiritual sacrifices acceptable to God through Jesus Christ. ... You are a chosen race, a royal priesthood, a holy nation, God’s own people, that you may declare the wonderful deeds of him who called you out of darkness into his marvelous light” (1 Pt 2:4-5, 9).

A new aspect to the grace and dignity coming from baptism is here introduced: The lay faithful participate, for their part, in the threefold mission of Christ as priest, prophet and king. This aspect has never been forgotten in the living tradition of the church, as exemplified in the explanation which St. Augustine offers for Psalm 26: “David was anointed king. In those days only a king and a priest were anointed. These two persons prefigured the one and only priest and king who was to come, Christ (the name *Christ* means ‘anointed’). Not only has our head been anointed but we, his body, have also been anointed... Therefore anointing comes to all Christians, even though in Old Testament times it belonged only to two persons. Clearly we are the body of Christ because we are all ‘anointed’ and in him are ‘christs’, that is, ‘anointed ones,’ as well as Christ himself, ‘the anointed one.’ In a certain way, then, it thus happens that with the head and body the whole Christ is formed.”¹⁹

In the wake of the Second Vatican Council,²¹ at the beginning of my pastoral ministry my aim was to emphasize forcefully the priestly, prophetic and kingly dignity of the entire people of God in the following words: “He who was born of the Virgin Mary, the carpenter’s son – as he was thought to be – Son of the living God (confessed by Peter), has come to make us ‘a kingdom of priests.’ The Second Vatican Council has reminded us of the mystery of this power and of the fact that the mission of Christ – priest, prophet-teacher, king – continues in the church. Everyone, the whole people of God, shares in this threefold mission.”²¹

With this exhortation the lay faithful are invited to take up again and reread, meditate on and assimilate with renewed understanding and love, the rich and fruitful teaching of the council which speaks of their participation in the threefold

¹⁹ St. Augustine, *Ennar. in Ps. XXVI*. II, 2: CCL 38, 154ff.

²⁰ Cf. *Lumen Gentium*, 10.

²¹ John Paul II. Homily at the beginning of his pastoral ministry as supreme shepherd of the church (October 22, 1978): AAS 70 (1978): 946.

mission of Christ.²² Here in summary form are the essential elements of this teaching.

The lay faithful are sharers in the priestly mission, for which Jesus offered himself on the cross and continues to be offered in the celebration of the Eucharist for the glory of God and the salvation of humanity. Incorporated in Jesus Christ, the baptized are united to him and to his sacrifice in the offering they make of themselves and their daily activities (cf. Rom 12:1,2). Speaking of the lay faithful the council says: “For their work, prayers and apostolic endeavors, their ordinary married and family life, their daily labor, their mental and physical relaxation, if carried out in the Spirit, and even the hardships of life if patiently borne – all of these become spiritual sacrifices acceptable to God through Jesus Christ (cf. 1 Pt 2:5). During the celebration of the Eucharist, these sacrifices are most lovingly offered to the Father along with the Lord’s body. Thus as worshipers whose every deed is holy, the lay faithful consecrate the world itself to God.”²³

Through their participation in the prophetic mission of Christ, “who proclaimed the kingdom of his Father by the testimony of his life and by the power of his word,”²⁴ the lay faithful are given the ability and responsibility to accept the Gospel in faith and to proclaim it in word and deed, without hesitating to courageously identify and denounce evil. United to Christ, the “great prophet” (Lk 7:16), and in the Spirit made “witnesses” of the risen Christ, the lay faithful are made sharers in the appreciation of the church’s supernatural faith, that “cannot err in matters of belief,”²⁵ and sharers as well in the grace of the word (cf. Acts 2:17-18; Rv 19:10). They are also called to allow the newness and the power of the Gospel to shine out every day in their family and social life as well as to express patiently and courageously in the contradictions of the present age their hope of future glory even “through the framework of their secular life.”²⁶

Because the lay faithful belong to Christ, Lord and King of the universe, they share in his kingly mission and are called by him to spread that kingdom in history. They exercise their kingship as Christians, above all in the spiritual combat in which they seek to overcome in themselves the kingdom of sin (cf. Rom 6:12), and then to make a gift of themselves so as to serve, in justice and in charity, Jesus who is himself present in all his brothers and sisters, above all in the very least (cf. Mt 25:40).

But in particular, the lay faithful are called to restore to creation all its original value. In ordering creation to the authentic well-being of humanity in an activity governed by the life of grace, they share in the exercise of the power with which

²² Cf. the renewed proposal of this teaching in the 1987 synod’s Working Paper, 25.

²³ *Lumen Gentium*, 34.

²⁴ Ibid., 35.

²⁵ Ibid., 12.

²⁶ Ibid., 35.

the risen Christ draws all things to himself and subjects them along with himself to the Father, so that God might be everything to everyone (cf. 1 Cor 15:28; Jn 12:32).

The participation of the lay faithful in the threefold mission of Christ as priest, prophet and king finds its source in the anointing of baptism, its further development in confirmation, and its realization and dynamic sustenance in the holy Eucharist. It is a participation given to each member of the lay faithful individually, inasmuch as each is one of the many who form the one body of the Lord: In fact, Jesus showers his gifts upon the church, which is his body and his spouse. In such a way, individuals are sharers in the threefold mission of Christ, as St. Peter clearly teaches when he defines the baptized as “a chosen race, a royal priesthood, a holy nation, God’s own people” (1 Pt 2:9). Precisely because it derives from church communion, the sharing of the lay faithful in the threefold mission of Christ requires that it be lived and realized in communion and for the increase of communion itself. St. Augustine writes: “As we call everyone *Christians*, in virtue of a mystical anointing, so we call everyone *priests* because all are members of only one priesthood.”²⁷

The Lay Faithful and Their Secular Character

15. The newness of the Christian life is the foundation and title for equality among all the baptized in Christ, for all the members of the people of God: “As members, they share a common dignity from their rebirth in Christ, they have the same filial grace and the same vocation to perfection. They possess in common one salvation, one hope and one undivided charity.”²⁸ Because of the one dignity flowing from baptism, each member of the lay faithful, together with ordained ministers and men and women religious, shares a responsibility for the church’s mission.

But among the lay faithful this one baptismal dignity takes on a manner of life which sets a person apart, without however bringing about a separation from the ministerial priesthood or from men and women religious. The Second Vatican Council has described this manner of life as the “secular character”: “The secular character is properly and particularly that of the lay faithful.”²⁹

To understand properly the lay faithful’s position in the church in a complete, adequate and specific manner it is necessary to come to a deeper theological understanding of their secular character in light of God’s plan of salvation and in the context of the mystery of the church.

Pope Paul VI said the church “has an authentic secular dimension, inherent to

: St Augustine. *De Civitate Dei*. XX. 10: CCL48, 720.

a Lumen Gentium. 32.

²⁹ Ibid , 31.

her inner nature and mission, which is deeply rooted in the mystery of the Word incarnate and which is realized in different forms through her members.”¹

The church, in fact, lives in the world, even if she is not of the world (cf. Jn 17:16). She is sent to continue the redemptive work of Jesus Christ, which “by its very nature concerns the salvation of humanity and also involves the renewal of the whole temporal order.”³¹

Certainly all the members of the church are sharers in this secular dimension but in different ways. In particular, the sharing of the lay faithful has its own manner of realization and function, which, according to the council, is “properly and particularly” theirs. Such a manner is designated with the expression *secular character*.³²

In fact the council, in describing the lay faithful’s situation in the secular world, points to it above all as the place in which they receive their call from God: “There they are called by God.”³³ This “place” is treated and presented in dynamic terms: The lay faithful “live in the world, that is, in every one of the secular professions and occupations. They live in the ordinary circumstances of family and social life, from which the very fabric of their existence is woven.”³⁴ They are persons who live an ordinary life in the world: They study, they work, they form relationships as friends, professionals, members of society, cultures, etc. However, the council considers their condition not simply an external and environmental framework, but as a reality destined to find in Jesus Christ the fullness of its meaning.³⁵ Indeed it leads to the affirmation that “the Word made flesh willed to share in human fellowship.... He sanctified those human ties, especially family ones, from which social relationships arise, willingly submitting himself to the laws of his country. He chose to lead the life of an ordinary craftsman of his own time and place.”³⁶

The “world” thus becomes the place and the means for the lay faithful to fulfill their Christian vocation, because the world itself is destined to glorify God the Father in Christ. The council is able then to indicate the proper and special sense of the divine vocation which is directed to the lay faithful. They are not called to abandon the position that they have in the world. Baptism does not take them from the world at all, as the apostle Paul points out: “So, brethren, in whatever state each was called, there let him remain with God” (1 Cor 7:24). On the contrary, he entrusts a vocation to them that properly concerns their situation in the world. The lay faithful, in fact, “are called by God so that they, led by the spirit of the Gospel,

⁵⁰ Paul VI, Talk to the members of secular institutes (Feb. 2, 1972): AAS 64 (1972): 208.

³¹ *Apostolicam Actuositatem*, 5.

³² *Immen Gentium*, 31.

³³ Ibid.

³⁴ Ibid.

³⁵ Cf. *ibid.*, 48.

³⁶ *Gaudium et Spes*, 32.

might contribute to the sanctification of the world, as from within like leaven, by fulfilling their own particular duties. Thus, especially in this way of life, resplendent in faith, hope and charity, they manifest Christ to others.”³⁷ Thus for the lay faithful, to be present and active in the world is not only an anthropological and sociological reality, but in a specific way, a theological and ecclesiological reality as well. In fact, in their situation in the world God manifests his plan and communicates to them their particular vocation of “seeking the kingdom of God by engaging in temporal affairs and by ordering them according to the plan of God.”³⁸

Precisely with this in mind, the synod fathers said: “The secular character of the lay faithful is not therefore to be defined only in a sociological sense, but most especially in a theological sense. The term *secular* must be understood in light of the act of God, the Creator and Redeemer, who has handed over the world to women and men so that they may participate in the work of creation, free creation from the influence of sin and sanctify themselves in marriage or the celibate life, in a family, in a profession and in the various activities of society.”³⁹

The lay faithful’s position in the church, then, comes to be fundamentally defined by their newness in Christian life and distinguished by their secular character.⁴⁰

The images taken from the Gospel of salt, light and leaven, although indiscriminately applicable to all Jesus’ disciples, are specifically applied to the lay faithful. They are particularly meaningful images because they speak not only of the deep involvement and the full participation of the lay faithful in the affairs of the earth, the world and the human community, but also and above all, they tell of the radical newness and unique character of an involvement and participation which has as its purpose the spreading of the Gospel that brings salvation.

Called to Holiness

16. We come to a full sense of the dignity of the lay faithful if we consider the prime and fundamental vocation that the Father assigns to each of them in Jesus Christ through the Holy Spirit: the vocation to holiness, that is, the perfection of

¹⁷ *Lumen Gentium*, 31.

* Ibid.

” Proposition 4.

‘ “Full members of the people of God and the mystical body, they participate through baptism in the threefold priestly, prophetic and kingly mission of Christ; the lay faithful express and exercise the riches of their dignity through their living in the world. What can be an additional or exceptional task for those who belong to the ordained ministry is the typical mission of the lay faithful. Their proper vocation consists ‘in seeking the kingdom of God by engaging in temporal affairs and by ordering them according to the plan of God’ (*Lumen Gentium*, 31)” (John Paul II. Angelus talk, [March 15. 1987]: *Insegnamenti*. X, 1 (1987). 561)

charity. Holiness is the greatest testimony of the dignity conferred on a disciple of Christ.

The Second Vatican Council has significantly spoken on the universal call to holiness. It is possible to say that this call to holiness is precisely the basic charge entrusted to all the sons and daughters of the church by a council which intended to bring a renewal of Christian life based on the Gospel.⁴¹ This charge is not a simple moral exhortation, but an undeniable requirement arising from the mystery of the church: She is the choice vine, whose branches live and grow with the same holy and life-giving energies that come from Christ; she is the mystical body, whose members share in the same life of holiness of the head, who is Christ; she is the beloved spouse of the Lord Jesus, who delivered himself up for her sanctification (cf. Eph 5:25 ff). The Spirit that sanctified the human nature of Jesus in Mary's virginal womb (cf. Lk 1:35) is the same Spirit that is abiding and working in the church to communicate to her the holiness of the Son of God made man.

It is ever more urgent that today all Christians take up again the way of Gospel renewal, welcoming in a spirit of generosity the invitation expressed by the apostle Peter "to be holy in all conduct" (1 Pt 1:15). The 1985 extraordinary synod, 20 years after the council, opportunely insisted on this urgency: "Since the church in Christ is a mystery, she ought to be considered the sign and instrument of holiness.... Men and women saints have always been the source and origin of renewal in the most difficult circumstances in the church's history. Today we have the greatest need of saints, whom we must assiduously beg God to raise up."⁴²

Everyone in the church, precisely because they are members, receive and thereby share in the common vocation to holiness. In the fullness of this title and on equal par with all other members of the church, the lay faithful are called to holiness: "All the faithful of Christ of whatever rank or status are called to the fullness of Christian life and to the perfection of charity";⁴³ "all of Christ's followers are invited and bound to pursue holiness and the perfect fulfillment of their own state of life."⁴⁴

The call to holiness is rooted in baptism and proposed anew in the other sacraments, principally in the Eucharist. Since Christians are re-clothed in Christ

¹¹ See, in particular, *Lumen Gentium*, 39-42, which treats the subject of "the universal call to holiness in the church."

⁴² Final Report, II, A, 4.

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⁴¹ *Lumen Gentium*, 40.

⁴⁴ Ibid., 42. These solemn and unequivocal affirmations of the council repropose a fundamental truth of the Christian faith. Thus, for example, Pius XI in the encyclical *Casti Connubii* addressed Christian spouses in the following words: "In whatever state they might be and whatever upright way of life they might have chosen, all must imitate the most perfect example of holiness, 'proposed by God to humanity, namely, our Lord Jesus Christ, and with the help of God to even reach the highest stage of Christian perfection, shown in the example of the many saints': AAS 22 (1930): 548.

Jesus and refreshed by his Spirit, they are “holy.” They therefore have the ability to manifest this holiness and the responsibility to bear witness to it in all that they do. The apostle Paul never tires of admonishing all Christians to live “as is fitting among saints” (Eph 5:3).

Life according to the Spirit, whose fruit is holiness (cf. Rom 6:22; Gal 5:22), stirs up every baptized person and requires each to follow and imitate Jesus Christ, in embracing the Beatitudes, in listening and meditating on the word of God, in conscious and active participation in the liturgical and sacramental life of the church, in personal prayer, in family or in community, in the hunger and thirst for justice, in the practice of the commandment of love in all circumstances of life and service to the brethren, especially the least, the poor and the suffering.

The Life of Holiness in the World

17. The vocation of the lay faithful to holiness implies that life according to the Spirit expresses itself in a particular way in their involvement in temporal affairs and in their participation in earthly activities. Once again the apostle admonishes us: “Whatever you do, in word or deed, do everything in the name of the Lord Jesus, giving thanks to God the Father through him” (Col 3:17). Applying the apostle’s words to the lay faithful, the council categorically affirms: “Neither family concerns nor other secular affairs should be excluded from their religious program of life.”⁴⁵ Likewise the synod fathers have said: “The unity of life of the lay faithful is of the greatest importance: Indeed they must be sanctified in everyday professional and social life. Therefore, to respond to their vocation, the lay faithful must see their daily activities as an occasion to join themselves to God, fulfill his will, serve other people and lead them to communion with God in Christ.”⁴⁶

The vocation to holiness must be recognized and lived by the lay faithful, first of all as an undeniable and demanding obligation and as a shining example of the infinite love of the Father that has regenerated them in his own life of holiness. Such a vocation, then, ought to be called an essential and inseparable element of the new life of baptism, and therefore an element which determines their dignity. At the same time the vocation to holiness is intimately connected to mission and to the responsibility entrusted to the lay faithful in the church and in the world. In fact, that same holiness which is derived simply from their participation in the church’s holiness, represents their first and fundamental contribution to the building of the church herself, who is the “communion of saints.” The eyes of faith behold a wonderful scene: that of a countless number of lay people, both women and men, busy at work in their daily life and activity, oftentimes far from view and

⁴⁵ *Apostolicam Actuositatem*. 4.

M Proposition 5.

quite unacclaimed by the world, unknown to the world's great personages but nonetheless looked upon in love by the Father, untiring laborers who work in the Lord's vineyard. Confident and steadfast through the power of God's grace, these are the humble yet great builders of the kingdom of God in history.

Holiness, then, must be called a fundamental presupposition and an irreplaceable condition for everyone in fulfilling the mission of salvation within the church. The church's holiness is the hidden source and the infallible measure of the works of the apostolate and of the missionary effort. Only in the measure that the church, Christ's spouse, is loved by him and she, in turn, loves him, does she become a mother fruitful in the Spirit.

Again we take up the image from the Gospel: the fruitfulness and the growth of the branches depends on their remaining united to the vine. "As the branch cannot bear fruit by itself unless it abides in the vine, neither can you, unless you abide in me. I am the vine, you are the branches. He who abides in me, and I in him, he it is that bears much fruit, for apart from me you can do nothing" (Jn 15:4-5).

It is appropriate to recall here the solemn proclamation of beatification and canonization of lay men and women which took place during the month of the synod. The entire people of God, and the lay faithful in particular, can find at this moment new models of holiness and new witnesses of heroic virtue lived in the ordinary everyday circumstances of human existence. The synod fathers have said: "Particular churches especially should be attentive to recognizing among their members the younger men and women of those churches who have given witness to holiness in such conditions (everyday secular conditions and the conjugal state) and who can be an example for others, so that if the case calls for it, they (the churches) might propose them to be beatified and canonized."⁴⁷

At the end of these reflections intended to define the lay faithful's position in the church, the celebrated admonition of St. Leo the Great comes to mind: "Acknowledge, O Christian, your dignity!"⁴⁸ St. Maximus, bishop of Turin, in addressing those who had received the holy anointing of baptism, repeats the same sentiments: "Ponder the honor that has made you sharers in this mystery!"⁴⁹ All the baptized are invited to hear once again the words of St. Augustine: "Let us rejoice and give thanks: We have not only become Christians, but Christ himself... Stand in awe and rejoice: We have become Christ."⁵⁰

The dignity as a Christian, the source of equality for all members of the church, guarantees and fosters the spirit of communion and fellowship, and at the same time becomes the hidden dynamic force in the lay faithful's apostolate and mission.

⁴⁷ Proposition 8.

⁴⁸ St. Leo the Great. *Sermo XXI*, 3: *Sources Chrétienne (Christum Sources)* 22a. 72

⁴⁹ St. Maximus, *Tract. III de Baptismo*. PL 57, 779.

⁵⁰ St. Augustine, *In Ioann. Evang. Tract.*, 21,8: CCL36, 216.

(It is a dignity, however, which brings demands, the dignity of laborers called by the
' Lord to work in his vineyard: "Upon all the lay faithful, then, rests the exalted duty
' of working to assure that each day the divine plan of salvation is further extended
I to every person of every era in every part of the earth."⁵¹

I

II. ALL BRANCHES OF A SINGLE VINE

The Participation of the Lay Faithful in the Life of the Church as Communion

The Mystery of Church Communion

18. Again we turn to the words of Jesus: "I am the true vine and my father is the vinedresser.... Abide in me and I in you" (Jn 15:1, 4).

These simple words reveal the mystery of communion that serves as the unifying bond between the Lord and his disciples, between Christ and the baptized: a living and life-giving communion through which Christians no longer belong to themselves but are the Lord's very own, as branches are one with the vine.

The communion of Christians with Jesus has the communion of God as Trinity, namely, the unity of the Son to the Father in the gift of the Holy Spirit, as its model and source, and is itself the means to achieve this communion: United to the Son in the Spirit's bond of love, Christians are united to the Father.

Jesus continues: "I am the vine, you are the branches" (Jn 15:5). From the communion that Christians experience in Christ there immediately flows the communion which they experience with one another: All are branches of a single vine, namely Christ. In this communion is the wonderful reflection and participation in the mystery of the intimate life of love in God as Trinity, Father, Son and Holy Spirit as revealed by the Lord Jesus. For this communion Jesus prays: "That they may all be one; even as you, Father, are in me, and I in you, that they also may be in us, so that the world may believe that you have sent me" (Jn 17:21).

Such communion is the very mystery of the church, as the Second Vatican Council recalls in the celebrated words of St. Cyprian: "The church shines forth as 'a people made one with the unity of the Father, Son and Holy Spirit'."⁵² We are accustomed to recall this mystery of church communion at the beginning of the celebration of the Eucharist, when the priest welcomes all with the greeting of the apostle Paul: "The grace of the Lord Jesus, the love of God and the fellowship of the Holy Spirit be with you all" (2 Cor 13:13).

After having described the distinguishing features of the lay faithful on which their dignity rests, we must at this moment reflect on their mission and responsibil-

⁵¹ *Lumen Gentium*, 33.

⁵² *Ibid.*, 4.

ity in the church and in the world. A proper understanding of these aspects, however, can be found only in the living context of the church as communion.

Vatican II and the Ecclesiology of Communion

19. At the Second Vatican Council the church again proposed this central idea about herself, as the 1985 extraordinary synod recalls: “The ecclesiology of communion is a central and fundamental concept in the conciliar documents. A *toz/zonzfl*-communion, finding its source in Sacred Scripture, was a concept held in great honor in the early church and in the Oriental churches, and this teaching endures to the present day. Much was done by the Second Vatican Council to bring about a clearer understanding of the church as communion and its concrete application to life. What, then, does this complex word *communion* mean? Its fundamental meaning speaks of the union with God brought about by Jesus Christ in the Holy Spirit. The opportunity for such communion is present in the word of God and in the sacraments. Baptism is the door and the foundation of communion in the church. The Eucharist is the source and summit of the whole Christian life (cf. *Lumen Gentium*, 11). The body of Christ in the holy Eucharist sacramentalizes this communion, that is, it is a sign and actually brings about the intimate bonds of communion among all the faithful in the body of Christ, which is the church (1 Cor 10:16).⁵³

On the day after the conclusion of the council. Pope Paul VI addressed the faithful in the following words: “The church is a communion. In this context what does *communion* mean? We refer you to the paragraph in the catechism that speaks of the *sanctorum communionem*, ‘the communion of saints’. The meaning of the church is a communion of saints. *Communion* speaks of a double, life-giving participation: the incorporation of Christians into the life of Christ and the communication of that life of charity to the entire body of the faithful in this world and in the next, union with Christ and in Christ, and unity among Christians in the church.”⁵⁴

Vatican Council II has invited us to contemplate the mystery of the church through biblical images which bring to light the reality of the church as a communion with its inseparable dimensions: the communion of each Christian with Christ and the communion of all Christians with one another. There is the sheepfold, the flock, the vine, the spiritual building, the holy city.⁵⁵ Above all, there is the image of the body as set forth by the apostle Paul. Its doctrine finds a pleasing expression once again in various passages of the council’s documents.⁵⁶

⁵³ Final Report, II, C, I.

⁵⁴ Paul VI. Wednesday general audience talk, (June 8, 1966): *insegnamenti*. IV (1966): 794.

⁵⁵ Cf. *Lumen Gentium*, 6.

⁵⁶ Cf. *ibid.*, 7 and following.

In its turn, the council has looked again at the entire history of salvation and has re-proposed the image of the church as the people of God: “It has pleased God to make people holy and to save them, not merely as individuals without any mutual bonds, but by making them into a single people, a people which acknowledges him in truth and serves him in holiness.”⁵⁷ From its opening lines, the constitution *Lumen Gentium* summarizes this doctrine in a wonderful way: “The church in Christ is a kind of sacrament, that is, a sign and instrument of intimate union with God and of the unity of all the human race.”⁵⁸

The reality of the church as communion is, then, the integrating aspect, indeed the central content of the “mystery,” or rather, the divine plan for the salvation of humanity. For this purpose ecclesial communion cannot be interpreted in a sufficient way if it is understood as simply a sociological or a psychological reality. The church as communion is the “new” people, the “messianic” people, the people that “has, for its head, Christ [...] as its heritage, the dignity and freedom of God’s children [...] for its law, the new commandment to love as Christ loved us [...] for its goal, the kingdom of God [...] established by Christ as a communion of life, love and truth.”⁵⁹ The bonds that unite the members of the new people among themselves – and first of all with Christ – are not those of “flesh and blood,” but those of the spirit, more precisely those of the Holy Spirit, whom all the baptized have received (cf. JI 3:1).

In fact, that Spirit is the One who from eternity unites the one and undivided Trinity, that Spirit who “in the fullness of time” (Gal 4:4) forever unites human nature to the Son of God, that same identical Spirit who in the course of Christian generations is the constant and never-ending source of communion in the church.

An Organic Communion: Diversity and Complementarity

20. Ecclesial communion is more precisely likened to an “organic” communion, analogous to that of a living and functioning body. In fact, at one and the same time it is characterized by a diversity and a complementarity of vocations and states in life, of ministries, of charisms and responsibilities. Because of this diversity and complementarity, every member of the lay faithful is seen in relation to the whole body and offers a totally unique contribution on behalf of the whole body.

St. Paul insists in a particular way on the organic communion of the mystical body of Christ. We can hear his rich teaching echoed in the following synthesis from the council: “Jesus Christ” – we read in the constitution *Lumen Gentium* – “by communicating his Spirit to his brothers and sisters, called together from all peoples, made them mystically into his own body. In that body, the life of Christ

⁵⁷ Ibid., 9.

M Ibid . 1.

* Ibid . 9.

is communicated to those who believe.... As all the members of the human body, though they are many, form one body, so also are the faithful in Christ (cf. 1 Cor 12:12). Also, in the building up of Christ's body there is a diversity of members and functions. There is only one Spirit who, according to his own richness and the necessities of service, distributes his different gifts for the welfare of the church (cf. 1 Cor 12:1-11). Among these gifts comes in the first place the grace given to the apostles to whose authority the Spirit himself subjects even those who are endowed with charisms (cf. 1 Cor 14). Furthermore it is this same Spirit, who through his power and through the intimate bond between the members, produces and urges love among the faithful. Consequently, if one member suffers anything, all the members suffer it too, and if one member is honored, all members together rejoice (cf. 1 Cor 12:26)."⁶⁰

One and the same spirit is always the dynamic principle of diversity and unity in the church. Once again we read in the constitution *Lumen Gentium*, "In order that we might be unceasingly renewed in him (cf. Eph 4:23), he has shared with us his Spirit who, existing as one and the same being in the head and in the members, gives life to, unifies and moves the whole body. This he does in such a way that his work could be compared by the fathers to the function which the soul as the principle of life fulfills in the human body."⁶¹ And in another particularly significant text, which is helpful in understanding not only the organic nature proper to ecclesial communion but also its aspect of growth toward perfect communion, the council writes: "The Spirit dwells in the church and in the hearts of the faithful, as in a temple (cf. 1 Cor 3:16; 6:19). In them he prays and bears witness that they are adopted sons (cf. Gal 4:6; Rom 8:15-16, 26). Guiding the church in the way of all truth (cf. Jn 16:13) and unifying her in communion and in the works of service, he bestows upon her varied hierarchical and charismatic gifts and adorns her with the fruits of his grace (cf. Eph 4:11-12; 1 Cor 12:4; Gal 5:22). By the power of the Gospel he makes the church grow, perpetually renews her and leads her to perfect union with her spouse. The Spirit and the bride both say to the Lord Jesus, 'Come!' (cf. Rv 22:17)."⁶²

Church communion then is a gift, a great gift of the Holy Spirit, to be gratefully accepted by the lay faithful, and at the same time to be lived with a deep sense of responsibility. This is concretely realized through their participation in the life and mission of the church, to whose service the lay faithful put their varied and complementary ministries and charisms.

A member of the lay faithful "can never remain in isolation from the community, but must live in a continual interaction with others, with a lively sense of fellowship, rejoicing in an equal dignity and common commitment to bring to

⁶⁰ Ibid., 7.

⁶¹ Ibid.

⁶² Ibid., 4.

fruition the immense treasure that each has inherited. The Spirit of the Lord gives a vast variety of charisms, inviting people to assume different ministries and forms of service and reminding them, as he reminds all people in their relationship in the church, that what distinguishes persons is not an increase in dignity, but a special and complementary capacity for service.... Thus the charisms, the ministries, the different forms of service exercised by the lay faithful exist in communion and on behalf of communion. They are treasures that complement one another for the good of all and are under the wise guidance of their pastors.”⁶³

Ministries and Charisms: The Spirit's Gifts to the Church

21. The Second Vatican Council speaks of the ministries and charisms as the gifts of the Holy Spirit, which are given for the building up of the body of Christ and for its mission of salvation in the world.⁶⁴ Indeed, the church is directed and guided by the Holy Spirit, who lavishes diverse hierarchical and charismatic gifts on all the baptized, calling them to be, each in an individual way, active and coresponsible.

We now turn our thoughts to ministries and charisms as they directly relate to the lay faithful and to their participation in the life of church-communion.

Ministries, Offices and Roles

The ministries which exist and are at work at this time in the church are all, even in their variety of forms, a participation in Jesus Christ's own ministry as the good shepherd who lays down his life for the sheep (cf. Jn 10:11), the humble servant who gives himself without reserve for the salvation of all (cf. Mk 10:45). The apostle Paul is quite clear in speaking about the ministerial constitution of the church in apostolic times. In his first Letter to the Corinthians he writes: “And God has appointed in the church first apostles, second prophets, third teachers” (1 Cor 12:28). In his Letter to the Ephesians we read: “But the grace was given to each of us according to the measure of Christ's gift ... and his gifts were that some should be apostles, some prophets, some evangelists, some pastors and teachers, to equip the saints for the work of ministry, for building up the body of Christ, until we all attain to the unity of the faith and of the knowledge of the Son of God, to mature manhood, to the measure of the stature of the fullness of Christ” (Eph 4:7, 11-13; cf. Rom 12:4-8). These and other New Testament texts indicate the diversity of ministries as well as of gifts and ecclesial tasks.

John Paul II. Homily at synod closing Mass.

M Cf. *Lumen Gentium*. 4.

The Ministries Derived From Holy Orders

22. In a primary position in the church are the ordained ministries, that is, the ministries that come from the sacrament of orders. In fact, with the mandate to make disciples of all nations (cf. Mt 28:19), the Lord Jesus chose and constituted the apostles – seed of the people of the new covenant and origin of the hierarchy⁶⁵ – to form and to rule the priestly people. The mission of the apostles, which the Lord Jesus continues to entrust to the pastors of his people, is a true service, significantly referred to in Sacred Scripture as *diakonia*, namely, service or ministry. The ministries receive the charism of the Holy Spirit from the risen Christ, in uninterrupted succession from the apostles, through the sacrament of orders: From him they receive the authority and sacred power to serve the church, acting *in persona Christi capitis* (in the person of Christ, the head)⁶⁶ and to gather her in the Holy Spirit through the Gospel and the sacraments.

The ordained ministries, apart from the persons who receive them, are a grace for the entire church. These ministries express and realize a participation in the priesthood of Jesus Christ that is different, not simply in degree but in essence, from the participation given to all the lay faithful through baptism and confirmation. On the other hand, the ministerial priesthood, as the Second Vatican Council recalls, essentially has the royal priesthood of all the faithful as its aim and is ordered to it.⁶⁷

For this reason, so as to assure and to increase communion in the church, particularly in those places where there is a diversity and complementarity of ministries, pastors must always acknowledge that their ministry is fundamentally ordered to the service of the entire people of God (cf. Heb 5:1). The lay faithful, in turn, must acknowledge that the ministerial priesthood is totally necessary for their participation in the mission in the church.⁶⁸

The Ministries, Offices and Roles of the Lay Faithful

23. The church's mission of salvation in the world is realized not only by the ministers in virtue of the sacrament of orders, but also by all the lay faithful; indeed, because of their baptismal state and their specific vocation, in the measure proper to each person the lay faithful participate in the priestly, prophetic and kingly mission of Christ.

⁶⁵ Cf. Second Vatican Council, Decree on the Church's Missionary Activity *Ad Gentes*. 5.

Second Vatican Council, Decree on the Ministry and Life of Priests *Presbyterorum Ordinis*, 2; cf. *Lumen Gentium*. 10.

⁶⁷ Cf. *Lumen Gentium*. 10.

⁶⁸ Cf. John Paul II, Holy Thursday letter to priests (April 9, 1979), 3-4: *Insegnamenti*, II. 1(1979): 844-847.

The pastors, therefore, ought to acknowledge and foster the ministries, the offices and roles of the lay faithful that find their foundation in the sacraments of baptism and confirmation, indeed, for a good many of them, in the sacrament of matrimony.

When necessity and expediency in the church require it, the pastors, according to established norms from universal law, can entrust to the lay faithful certain offices and roles that are connected to their pastoral ministry but do not require the character of orders. The *Code of Canon Law* states: “When the necessity of the church warrants it and when ministers are lacking, lay persons, even if they are not lectors or acolytes, can also supply for certain of their offices, namely, to exercise the ministry of the word, to preside over liturgical prayers, to confer baptism and to distribute holy communion in accord with the prescriptions of the law.”⁶⁹ However, the exercise of such tasks does not make pastors of the lay faithful: In fact, a person is not a minister simply in performing a task, but through sacramental ordination. Only the sacrament of orders gives the ordained minister a particular participation in the office of Christ, the shepherd and head, and in his eternal priesthood.⁷⁰ The task exercised in virtue of supply takes its legitimacy formally and immediately from the official deputation given by the pastors as well as from its concrete exercise under the guidance of ecclesiastical authority.⁷¹

The recent synodal assembly has provided an extensive and meaningful overview of the situation in the church on the ministries, offices and roles of the baptized. The fathers have manifested a deep appreciation for the contribution of the lay faithful, both women and men, in the work of the apostolate, in evangelization, sanctification and the Christian animation of temporal affairs as well as their generous willingness to supply in situations of emergency and chronic necessity.⁷²

Following the liturgical renewal promoted by the council, the lay faithful themselves have acquired a more lively awareness of the tasks that they fulfill in the liturgical assembly and its preparation, and have become more widely disposed to fulfill them: The liturgical celebration, in fact, is a sacred action not simply of the clergy, but of the entire assembly. It is therefore natural that the tasks not proper to the ordained ministers be fulfilled by the lay faithful.⁷³ In this way there is a

⁶⁹ *Code of Canon Law*, Canon 230.3.

⁷⁰ Cf. *Presbyterorum Ordinis*, 2 and 5.

⁷¹ Cf. *Apostolicam Actuositatem*, 24.

⁷² The *Code of Canon Law* lists a series of roles and tasks proper to the sacred ministers that, nevertheless for special and grave circumstances and concretely in areas which lack priests or deacons, can temporarily be exercised by the lay faithful, with previous juridic faculty and mandated by competent ecclesiastical authority: cf. Canons 230.3; 517.2; 776; 861.2; 910.2; 943; 1112, etc.

⁷³ Cf. Second Vatican Council, Constitution on the Sacred Liturgy *Sacrosanctum Concilium*, 28; *Code of Canon Law*, Canon 230.2, that states: “Lay persons can fulfill the function of lector during the liturgical actions by temporary deputation; likewise all lay persons can fulfill the functions of

natural transition from an effective involvement of the lay faithful in the liturgical action to that of announcing the word of God and pastoral care.⁷⁴

In the same synod assembly, however, a critical judgment was voiced along with these positive elements, about a too-indiscriminate use of the word *ministry*, the confusion and the equating of the common priesthood and the ministerial priesthood, the lack of observance of ecclesiastical laws and norms, the arbitrary interpretation of the concept of “supply,” the tendency toward a “clericalization” of the lay faithful and the risk of creating, in reality, an ecclesial structure of parallel service to that founded on the sacrament of orders.

Precisely to overcome these dangers, the synod fathers have insisted on the necessity to express with greater clarity, and with a more precise terminology,⁷⁵ both the unity of the church’s mission in which all the baptized participate and the substantial diversity of the ministry of pastors, which is rooted in the sacrament of orders, all the while respecting the other ministries, offices and roles in the church, which are rooted in the sacraments of baptism and confirmation.

In the first place, then, it is necessary that in acknowledging and in conferring various ministries, offices and roles on the lay faithful, the pastors exercise the maximum care to institute them on the basis of baptism, in which these tasks are rooted. It is also necessary that pastors guard against a facile yet abusive recourse to a presumed “situation of emergency” or to “supply by necessity,” where objectively this does not exist or where alternative possibilities could exist through better pastoral planning.

The various ministries, offices and roles that the lay faithful can legitimately fulfill in the liturgy, in the transmission of the faith and in the pastoral structure of the church ought to be exercised in conformity to their specific lay vocation, which is different from that of the sacred ministry. In this regard the exhortation *Evangelii Nuntiandi*, that had such a great part in stimulating the varied collaboration of the lay faithful in the church’s life and mission of spreading the Gospel, recalls that “their own field of evangelizing activity is the vast and complicated world of politics, society and economics as well as the world of culture, of the sciences and the arts, of international life, of the mass media. It also includes other realities which are open to evangelization, such as human love, the family, the education of children and adolescents, professional work and suffering. The more Gospel-inspired lay people there are engaged in these realities, clearly involved in them, competent to promote them and conscious that they must exercise to the full their Christian powers, which are often repressed and buried, the more these

commentator or cantor of other functions, in accord with the norm of law.”

⁷⁴ The *Code of Canon Law* presents diverse roles and tasks that the lay faithful can fulfill in the organized structure of the church: cf. Canons 228, 229.3; 317.3; 463.1.5 and 463.2; 483; 494; 537; 759; 776; 784; 785; 1282; 1421.

⁷⁵ Proposition 18.

realities will be at the service of the kingdom of God and therefore at the service *of* salvation in Jesus Christ, without in any way losing or sacrificing their human content, but rather pointing to a transcendent dimension which is often disregarded.”⁷⁶

In the course of synod work the fathers devoted much attention to the lectorate and the acolytate. While in the past these ministries existed in the Latin church only as spiritual steps en route to the ordained ministry, with the *motu proprio* of Paul VI, *Ministeria Quaedam* (Aug. 15, 1972), they assumed an autonomy and stability as well as a possibility of their being given to the lay faithful, albeit only to men. This same fact is expressed in the new *Code of Canon Law*.⁷⁷ At this time the synod fathers expressed the desire that “the *motu proprio Ministeria Quaedam* be reconsidered, bearing in mind the present practice of local churches and above all indicating criteria which ought to be used in choosing those destined for each ministry.”⁷⁸

In this regard a commission was established to respond to this desire voiced by the synod fathers, specifically to provide an in-depth study of the various theological, liturgical, juridical and pastoral considerations which are associated with the great increase today of the ministries entrusted to the lay faithful.

While the conclusions of the commission’s study are awaited, a more ordered and fruitful ecclesial practice of the ministries entrusted to the lay faithful can be achieved if all the particular churches faithfully respect the above-mentioned theological principles, especially the essential difference between the ministerial priesthood and the common priesthood, and the difference between the ministries derived from the sacrament of orders and those derived from the sacraments of baptism and confirmation.

Charisms

24. The Holy Spirit, while bestowing diverse ministries in church communion, enriches it still further with particular gifts or promptings of grace called *charisms*. These can take a great variety of forms, both as a manifestation of the absolute freedom of the Spirit, who abundantly supplies them, and as a response to the varied needs of the church in history. The description and the classification given to these gifts in the New Testament are an indication of their rich variety. “To each is given the manifestation of the Spirit for the common good. To one is given through the Spirit the utterance of wisdom, and to another the utterance of knowledge according to the same Spirit, to another faith by the same Spirit, to another gifts of healing by the one Spirit, to another the working of miracles, to

⁷⁶ Paul VI. apostolic exhortation *Evangelii Nuntiandi*. 70: AAS 68 (1976): 60.

⁷⁷ Cf. Canon 230.1.

another prophecy, to another the ability to distinguish between spirits, to another various kinds of tongues, to another the interpretation of tongues” (1 Cor 12:7-10; cf. 1 Cor 12:4-6, 28-31; Rom 12:6-8; 1 Pt 4:10-11).

Whether they be exceptional and great or simple and ordinary, the, charisms are graces of the Holy Spirit that have, directly or indirectly, a usefulness for the ecclesial community, ordered as they are to the building up of the church, to the well-being of humanity and to the needs of the world.

Even in our own times there is no lack of a fruitful manifestation of various charisms among the faithful, women and men. These charisms are given to individual persons and can even be shared by others in such ways as to continue in time a precious and effective heritage, serving as a source of a particular spiritual affinity among persons. In referring to the apostolate of the lay faithful, the Second Vatican Council writes: “For the exercise of the apostolate the Holy Spirit, who sanctifies the people of God through the ministry and the sacraments, gives the faithful special gifts as well (cf. 1 Cor 12:7), ‘allotting them to each one as he wills’ (cf. 1 Cor 12:11), so that each might place ‘at the service of others the grace received’ and become ‘good stewards of God’s varied grace’ (1 Pt 4:10), and build up thereby the whole body in charity (cf. Eph 4:16).”⁷⁹

By a logic which looks to the divine source of this giving, as the council recalls/” the gifts of the Spirit demand that those who have received them exercise them for the growth of the whole church.

The charisms are received in gratitude both on the part of the one who receives them and also on the part of the entire church. They are in fact a singularly rich source of grace for the vitality of the apostolate and for the holiness of the whole body of Christ, provided that they be gifts that come truly from the Spirit and are exercised in full conformity with the authentic promptings of the Spirit. In this sense the discernment of charisms is always necessary. Indeed, the synod fathers have stated: “The action of the Holy Spirit, who breathes where he will, is not always easily recognized and received. We know that God acts in all Christians. and we are aware of the benefits which flow from charisms both for individuals and for the whole Christian community. Nevertheless, al the same time we are also aware of the power of sin and how it can disturb and confuse the life of the faithful and of the community.”⁸¹

For this reason no charism dispenses a person from reference and, submission

⁷⁹ *Apostolicam Actuositatem*, 3.

“From the reception of these charisms or gifts, even the most ordinary ones, there arises for each believer the right and duty to use them in the church and in the world for the good of people and the building up of the church. In doing so, believers need to enjoy the freedom of the Holy Spirit, who ‘breathes where he wills’ (Jn 3:8). At the same time they must act in communion with their brothers and sisters in Christ, especially with their pastor” (ibid).

⁸¹ Proposition 9.

to the pastors of the church. The council clearly states: “Judgment as to their (charisms) genuineness and proper use belongs to those who preside over the church and to whose special competence it belongs, not indeed to extinguish the Spirit, but to test all things and hold fast to what is good (cf. 1 Thes 5.12, 19-21),”⁸² so that all the charisms might work together, in their diversity and complementarity, for the common good?³

The Lay Faithful's Participation in the Life of the Church

25. The lay faithful participate in the life of the church not only in exercising their tasks and charisms, but also in many other ways.

Such participation finds its first and necessary expression in the life and mission of the particular church, in the diocese in which “the church of Christ, one, holy, catholic and apostolic, is truly present and at work.”⁸⁴

The Particular Churches and the Universal Church

For an adequate participation in ecclesial life, the lay faithful absolutely need to have a clear and precise vision of the particular church with its primordial bond to the universal church. The particular church does not come about from a kind of fragmentation of the universal church nor does the universal church come about by a simple amalgamation of particular churches. But there is a real, essential and constant bond uniting each of them, and this is why the universal church exists and is manifested in the particular churches. For this reason the council says that the particular churches “are constituted after the model of the universal church; it is in and from these particular churches that there comes into being the one and unique Catholic Church.”⁸⁵

The same council strongly encourages the lay faithful actively to live out their belonging to the particular church, while at the same time assuming an ever-increasing “catholic” spirit: “Let the lay faithful constantly foster” – we read in the Decree on the Apostolate of Lay People – “a feeling for their own diocese, of which the parish is a kind of cell, and be always ready at their bishops’ invitation to participate in diocesan projects. Indeed, if the needs of cities and rural areas are to be met, lay people should not limit their cooperation to the parochial or diocesan boundaries, but strive to extend it to interparochial, interdiocesan, national and international fields, the more so because the daily increase in population mobility, the growth of mutual bonds and the ease of communication no longer allow any

¹² *Lumen Gentium*, 12.

⁸ Cf. *ibid.*, 30.

M Second Vatican Council. Decree on the Pastoral Office of Bishops *Christus Dominus*, 11.

“ *Lumen Gentium*, 23

sector of society to remain closed in upon itself. Thus they should be concerned about the needs of the people of God scattered throughout the world.”⁶

In this sense, the recent synod has favored the creation of diocesan pastoral councils as a recourse at opportune times. In fact, on a diocesan level this structure could be the principal form of collaboration, dialogue and discernment as well. The participation of the lay faithful in these councils can broaden resources in consultation and the principle of collaboration and in certain instances also in decision making – if applied in a broad and determined manner.⁸⁷

The participation of the lay faithful in diocesan synods and in local councils, whether provincial or plenary, is envisioned by the *Code of Canon Law*.TM These structures could contribute to church communion and the mission of the particular church, both in its own surroundings and in relation to the other particular churches of the ecclesiastical province or episcopal conference.

Episcopal conferences are called to evaluate the most opportune way of developing the consultation and the collaboration of the lay faithful, women and men, at a national or regional level, so that they may consider well the problems they share and manifest better the communion of the whole church.⁸⁹

The Parish

26. The ecclesia! community, while always having a universal dimension, finds its most immediate and visible expression in the parish. It is there that the church is seen locally. In a certain sense it is the church living in the midst of the homes of her sons and daughters.⁹⁰

It is necessary that in light of the faith all rediscover the true meaning of the parish, that is, the place where the very “mystery” of the church is present and at work, even if at times it is lacking persons and means, even if at other times it might be scattered over vast territories or almost not to be found in crowded and chaotic modern sections of cities. The parish is not principally a structure, a territory or a building, but rather “the family of God, a fellowship afire with a unifying spirit,”⁹¹ a familial and welcoming home,⁹² the “community of the

M Apostolicam Actuositatem, 10.

⁷⁷ Cf. Proposition 10.

⁷⁸ Cf. Canons 443.4; 463.1 and 463.2.

⁷⁹ Cf. Proposition 10.

⁹⁰ The council documents read: “It is impossible for the bishop always and everywhere to preside over the whole flock in his church, he must of necessity establish groupings of the faithful. Among these, parishes set up locally under a pastor who takes the place of the bishop are the most important: for in a certain way they represent the visible church as it is established throughout the world” (*Sacrosanctum Concilium*, 42).

⁹¹ *Lumen Gentium*, 28.

⁹² John Paul II, apostolic exhortation *Catechesi Tradendae*. 67. AAS 71 (1979): 1333.

faithful.”⁹³ Plainly and simply, the parish is founded on a theological reality, because it is a eucharistic community.⁹⁴ This means that the parish is a community properly suited for celebrating the Eucharist, the living source for its upbuilding and the sacramental bond of its being in full communion with the whole church. Such suitability is rooted in the fact that the parish is a community of faith and an organic community, that is, constituted by the ordained ministers and other Christians, in which the pastor – who represents the diocesan bishop⁹⁵ – is the hierarchical bond with the entire particular church.

Since the church’s task in our day is so great, its accomplishment cannot be left to the parish alone. For this reason the *Code of Canon Law* provides for forms of collaboration among parishes in a given territory⁹⁶ and recommends to the bishop’s care the various groups of the Christian faithful, even the unbaptized who are not under his ordinary pastoral care.⁹⁷ There are many other places and forms of association through which the church can be present and at work. All are necessary to carry out the word and grace of the Gospel and to correspond to the various circumstances of life in which people find themselves today. In a similar way there exist in the areas of culture, society, education, professions, etc., many other ways for spreading the faith and other settings for the apostolate which cannot have the parish as their center and origin. Nevertheless, in our day the parish still enjoys a new and promising season. At the beginning of his pontificate, Paul VI addressed the Roman clergy in these words: “We believe simply that this old and venerable structure of the parish has an indispensable mission of great contemporary importance: to create the basic community of the Christian people; to initiate and gather the people in the accustomed expression of liturgical life; to conserve and renew the faith in the people of today; to serve as the school for teaching the salvific message of Christ; to put solidarity in practice and work the humble charity of good and brotherly works.”⁹⁸

The synod fathers for their part have given much attention to the present state of many parishes and have called for a greater effort in their renewal: “Many parishes, whether established in regions affected by urban progress or in missionary territory, cannot do their work effectively because they lack material resources or ordained men or are too big geographically or because of the particular circumstances of some Christians (e.g., exiles and migrants). So that all parishes of this kind may be truly communities of Christians, local ecclesial authorities ought to foster the following: a) adaptation of parish structures according to the full

⁹³ Canon 515.1.

⁹⁴ Cf. Proposition 10.

Cf. *Sacrosanctum Concilium*, 42.

⁹⁵ Cf. Canon 555.1.1.

⁹⁶ Cf. Canon 383.1.

⁹⁷ Paul VI. Discourse to the Roman clergy (June 24, 1963): AAS 55 (1963): 674.

flexibility granted by canon law, especially in promoting participation by the lay faithful in pastoral responsibilities; b) small, basic or so-called 'living' communities where the faithful can communicate the word of God and express it in service and love to one another; these communities are true expressions of ecclesial communion and centers of evangelization in communion with their pastors.”⁹⁹ For the renewal of parishes and for a better assurance of their effectiveness in work, various forms of cooperation even on the institutional level ought to be fostered among diverse parishes in the same area.

The Apostolic Commitment in the Parish

27. It is now necessary to look more closely at the communion and participation of the lay faithful in parish life. In this regard all lay men and women are called to give greater attention to a particularly meaningful, stirring and incisive passage from the council: “Their activity within church communities is so necessary that without it the apostolate of the pastors is generally unable to achieve its full effectiveness.”¹⁰⁰

This is indeed a particularly important affirmation, which evidently must be interpreted in light of the “ecclesiology of communion,” Ministries and charisms, being diverse and complementary, are all necessary for the church to grow, each in its own way.

The lay faithful ought to be ever more convinced of the special meaning that their commitment to the apostolate takes on in their parish. Once again the council authoritatively places it in relief: “The parish offers an outstanding example of the apostolate on the community level, inasmuch as it brings together the many human differences found within its boundaries and draws them into the universality of the church. The lay faithful should accustom themselves to working in the parish in close union with their priests, bringing to the church community their own and the world’s problems as well as questions concerning human salvation, all of which need to be examined together and solved through general discussion. As far as possible the lay faithful ought to collaborate in every apostolic and missionary undertaking sponsored by their own ecclesial family.”¹⁰¹

The council’s mention of examining and solving pastoral problems “by general discussion” ought to find its adequate and structured development through a more convinced, extensive and decided appreciation for “parish pastoral councils,” on which the synod fathers have rightly insisted.¹⁰²

In the present circumstances the lay faithful have an ability to do very much and

Proposition 11.

¹⁰⁰ *Apostolicam Actuositatem*, 10.

¹⁰¹ Ibid.

¹⁰² Cf. Proposition 10.

therefore ought to do very much toward the growth of an authentic ecclesial communion in their parishes in order to reawaken missionary zeal toward non-believers and believers themselves who have abandoned the faith or grown lax in the Christian life.

If indeed the parish is the church placed in the neighborhoods of humanity, it lives and is at work through being deeply inserted in human society and intimately bound up with its aspirations and its dramatic events. Oftentimes the social context, especially in certain countries and environments, is violently shaken by elements of disintegration and dehumanization. The individual is lost and disoriented, but there always remains in the human heart the desire to experience and cultivate caring and personal relationships. The response to such a desire can come from the parish when, with the lay faithful's participation, it adheres to its fundamental vocation and mission, that is, to be a "place" in the world for the community of believers to gather together as a "sign" and "instrument" of the vocation of all to communion, in a word, to be a house of welcome to all and a place of service to all or, as Pope John XXIII was fond of saying, to be the "village fountain" to which all would have recourse in their thirst.

The Forms of Participation in the Life of the Church

28. The lay faithful, together with the clergy and women and men religious, make up the one people of God and the body of Christ.

Being "members" of the church takes nothing away from the fact that each Christian as an individual is "unique and unrepeatable." On the contrary, this belonging guarantees and fosters the profound sense of that uniqueness and unrepeatability, insofar as these very qualities are the source of variety and richness for the whole church. Therefore, God calls the individual in Jesus Christ, each one personally by name. In this sense, the Lord's words "You go into my vineyard too," directed to the church as a whole, come specially addressed to each member individually.

Because of each member's unique and unrepeatable character, that is, one's identity and actions as a person, each individual is placed at the service of the growth of the ecclesial community while at the same time singularly receiving and sharing in the common richness of all the church. This is the "communion of saints" which we profess in the Creed. The good of all becomes the good of each one, and the good of each one becomes the good of all. "In the holy church," writes St. Gregory the Great, "all are nourished by each one and each one is nourished by all."³

³ St. Gregory the Great. *Hom in Ez.* 11, 1,5; CCL 142, 211.

Individual Forms of Participation

Above all, each member of the lay faithful should always be fully aware of being a “member of the church” yet entrusted with a unique task which cannot be done by another and which is to be fulfilled for the good of all. From this perspective the council’s insistence on the absolute necessity of an apostolate exercised by the individual takes on its full meaning: “The apostolate exercised by the individual – which flows abundantly from a truly Christian life (cf. Jn 4:11) – is the origin and condition of the whole lay apostolate, even in its organized expression, and admits no substitute. Regardless of circumstance, all lay persons (including those who have no opportunity or possibility for collaboration in associations) are called to this type of apostolate and obliged to engage in it. Such an apostolate is useful at all times and places, but in certain circumstances it is the only one available and feasible.”¹⁰⁴

In the apostolate exercised by the individual, great riches are waiting to be discovered through an intensification of the missionary effort of each of the lay faithful. Such an individual form of apostolate can contribute greatly to a more extensive spreading of the Gospel, indeed it can reach as many places as there are daily lives of individual members of the lay faithful. Furthermore, the spread of the Gospel will be continual, since a person’s life and faith will be one. Likewise the spread of the Gospel will be particularly incisive, because in sharing fully in the unique conditions of the life, work, difficulties and hopes of their sisters and brothers, the lay faithful will be able to reach the hearts of their neighbors, friends and colleagues, opening them to a full sense of human existence, that is, to communion with God and with all people.

Group Forms of Participation

29. Church communion, already present and at work in the activities of the individual, finds its specific expression in the lay faithful’s working together in groups, that is, in activities done with others in the course of their responsible participation in the life and mission of the church.

In recent days the phenomenon of lay people associating among themselves has taken on a character of particular variety and vitality. In some ways lay associations have always been present throughout the church’s history as various confraternities, third orders and sodalities testify even today. However, in modern times such lay groups have received a special stimulus, resulting in the birth and spread of a multiplicity of group forms: associations, groups, communities, movements. We can speak of a new era of group endeavors of the lay faithful. In fact, “alongside the traditional forming of associations and at times coming from

their very roots, movements and new sodalities have sprouted, with a specific feature and purpose, so great is the richness and the versatility of resources that the Holy Spirit nourishes in the ecclesial community, and so great is the capacity of initiative and the generosity of our lay people.”¹⁰⁵

Oftentimes these lay groups show themselves to be very diverse from one another in various aspects, in their external structures, in their procedures and training methods, and in the fields in which they work. However, they all come together in an all-inclusive and profound convergence when viewed from the perspective of their common purpose, that is, the responsible participation of all of them in the church’s mission of carrying forth the Gospel of Christ, the source of hope for humanity and the renewal of society.

The actual formation of groups of the lay faithful for spiritual purposes or for apostolic work comes from various sources and corresponds to different demands. In fact, their formation itself expresses the social nature of the person and for this reason leads to a more extensive and incisive effectiveness in work. In reality, a “cultural” effect can be accomplished through work done not so much by an individual alone, but by an individual as “a social being,” that is, as a member of a group, of a community, of an association or of a movement. Such work is, then, the source and stimulus leading to the transformation of the surroundings and society as well as the fruit and sign of every other transformation in this regard. This is particularly true in the context of a pluralistic and fragmented society – the case in so many parts of the world today – and in light of the problems which have become greatly complex and difficult. On the other hand, in a secularized world, above all, the various group forms of the apostolate can represent for many a precious help for the Christian life in remaining faithful to the demands of the Gospel and to the commitment to the church’s mission and the apostolate.

Beyond this, the profound reason that justifies and demands the lay faithful’s forming of lay groups comes from a theology based on ecclesiology, as the Second Vatican Council clearly acknowledged in referring to the group apostolate as a “sign of communion and of unity of the church of Christ.”¹⁰⁶

It is a “sign” that must be manifested in relation to “communion” both in the internal and external aspects of the various group forms and in the wider context of the Christian community. As mentioned, this reason based on ecclesiology explains, on one hand, the “right” of lay associations to form and on the other, the necessity of “criteria” for discerning the authenticity of the forms which such groups take in the church.

First of all, the freedom for lay people in the church to form such groups is to be acknowledged. Such liberty is a true and proper right that is not derived from any kind of “concession” by authority, but flows from the sacrament of baptism.

▼ John Paul II, Angelus talk (Aug. 23, 1987): *Insegnamenti*. X 3 (1987): 240.

* *Apostolicam Actuositatem*, 18.

which calls the lay faithful to participate actively in the church's communion and mission. In this regard the council is quite clear: "As long as the proper relationship is kept to church authority, the lay faithful have the right to found and run such associations and to join those already existing."¹⁰⁷ A citation from the recently published *Code of Canon Law* affirms it as well: "The Christian faithful are at liberty to found and govern associations for charitable and religious purposes or for the promotion of the Christian vocation in the world; they are free to hold meetings to pursue these purposes in common."¹⁰⁸

It is a question of a freedom that is to be acknowledged and guaranteed by ecclesial authority and always and only to be exercised in church communion. Consequently, the right of the lay faithful to form groups is essentially in relation to the church's life of communion and to her mission.

"Criteria of Ecclesiality" for Lay Groups

30. It is always from the perspective of the church's communion and mission, and not in opposition to the freedom to associate, that one understands the necessity of having clear and definite criteria for discerning and recognizing such lay groups, also called "criteria of ecclesiality."

The following basic criteria might be helpful in evaluating an association of the lay faithful in the church:

- The primacy given to the call of every Christian to holiness, as it is manifested "in the fruits of grace which the Spirit produces in the faithful"¹⁰⁹ and in a growth toward the fullness of Christian life and the perfection of charity.¹¹⁰

In this sense whatever association of the lay faithful there might be, it is always called to be more of an instrument leading to holiness in the church, through fostering and promoting "a more intimate unity between the everyday life of its members and their faith."¹¹¹

- The responsibility of professing the Catholic faith, embracing and proclaiming the truth about Christ, the church and humanity, in obedience to the church's magisterium, as the church interprets it. For this reason every association of the lay faithful must be a forum where the faith is

¹⁰⁷ Ibid., 19; cf. also ibid., 15; *Lumen Gentium*, 37.

¹⁰⁸ Canon 215.

¹⁰⁹ *Lumen Gentium*, 39.

¹¹⁰ Cf. ibid., 40.

¹¹¹ *Apostolicam Actuositatem*, 19.

proclaimed as well as taught in its total content.

-The witness to a strong and authentic communion in filial relationship to the pope, in total adherence to the belief that he is the perpetual and visible center of unity of the universal church,¹¹² and with the local bishop, “the visible principle and foundation of unity”¹¹³ in the particular church and in “mutual esteem for all forms of the church’s apostolate.”¹¹⁴

The communion with pope and bishop must be expressed in loyal readiness to embrace the doctrinal teachings and pastoral initiatives of both pope and bishop. Moreover, church communion demands both an acknowledgment of a legitimate plurality of forms in the associations of the lay faithful in the church and at the same time, a willingness to cooperate in working together.

- Conformity to and participation in the church’s apostolic goals, that is, “the evangelization and sanctification of humanity and the Christian formation of people’s conscience so as to enable them to infuse the spirit of the Gospel into the various communities and spheres of life.”¹¹⁵

From this perspective, every one of the group forms of the lay faithful is asked to have a missionary zeal which will increase their effectiveness as participants in a re-evangelization.

- A commitment to a presence in human society, which in light of the church’s social doctrine, places it at the service of the total dignity of the person.

Therefore, associations of lay faithful must become fruitful outlets for participation and solidarity in bringing about conditions that are more just and loving within society.

The fundamental criteria mentioned at this time find their verification in the actual fruits that various group forms show in their organizational life and the works they perform such as: the renewed appreciation for prayer, contemplation, liturgical and sacramental life, the reawakening of vocations to Christian marriage, the ministerial priesthood and the consecrated life; a readiness to participate in programs and church activities at the local, national and international levels; a commitment to catechesis and a capacity for teaching and forming Christians; a desire to be present as Christians in various settings of social life and the creation

¹¹² Cf. *Lumen Gentium*, 23.

¹¹¹ Ibid.

¹¹⁴ *Apostolicam Actuositatem*, 23.

Ibid., 20.

and awakening of charitable, cultural and spiritual works; the spirit of detachment and evangelical poverty leading to a greater generosity in charity toward all; conversion to the Christian life or the return to church communion of those baptized members who have fallen away from the faith.

The Pastors in Service to Communion

31. The pastors of the church, even if faced with possible and understandable difficulties as a result of such associations and the process of employing new forms, cannot renounce the service provided by their authority not simply for the well-being of the church, but also for the well-being of the lay associations themselves. In this sense they ought to accompany their work of discernment with guidance and, above all, encouragement so that lay associations might grow in church communion and mission.

It is exceedingly opportune that some new associations and movements receive official recognition and explicit approval from competent church authority to facilitate their growth on both the national and international level. The council has already spoken in this regard: “Depending on its various forms and goals, the lay apostolate provides for different types of relationships with the hierarchy... Certain forms of the lay apostolate are given explicit recognition by the hierarchy, though in different ways. Because of the demands of the common good of the church, moreover, ecclesial authority can select and promote in a particular way some of the apostolic associations and projects which have an immediately spiritual purpose, thereby assuming in them a special responsibility.”¹¹⁶

Among the various forms of the lay apostolate which have a particular relationship to the hierarchy, the synod fathers have singled out various movements and associations of Catholic Action, in which “indeed, in this organic and stable form, the lay faithful may freely associate under the movement of the Holy Spirit, in communion with their bishop and priests so that in a way proper to their vocation and with some special method they might be of service through their faithfulness and good works to promote the growth of the entire Christian community, pastoral activities and infusing every aspect of life with the Gospel spirit.”¹¹⁷

The Pontifical Council for the Laity has the task of preparing a list of those associations which have received the official approval of the Holy See and, at the same time, of drawing up, together with the Pontifical Council for the Union of Christians, the basic conditions on which this approval might be given to ecumenical associations in which there is a majority of Catholics and determining those cases in which such an approval is not possible.¹¹⁸

* Ibid., 24.

¹¹⁷ Proposition 13.

¹¹⁸ Cf. Proposition 15.

All of us, pastors and lay faithful, have the duty to promote and nourish stronger bonds and mutual esteem, cordiality and collaboration among the various forms of lay associations. Only in this way can the richness of the gifts and charisms that the Lord offers us bear their fruitful contribution in building the common house: “For the sound building of a common house it is necessary, furthermore, that every spirit of antagonism and conflict be put aside and that the competition be in outdoing one another in showing honor (cf. Rom 12:10), in attaining a mutual affection, a will toward collaboration, with patience, farsightedness and readiness to sacrifice, which will at times be required.”¹¹⁹

So as to render thanks to God for the great gift of church communion which is the reflection in time of the eternal and ineffable communion of the love of God, three in one, we once again consider Jesus’ words: “I am the vine, you are the branches” (Jn 15:5). The awareness of the gift ought to be accompanied by a strong sense of responsibility for its use: It is in fact a gift that, like the talent of the Gospel parable, must be put to work in a life of ever-increasing communion.

To be responsible for the gift of communion means, first of all, to be committed to overcoming each temptation to division and opposition that works against the Christian life with its responsibility in the apostolate. The cry of St. Paul continues to resound as a reproach to those who are “wounding the body of Christ”: “What I mean is that each one of you says, ‘I belong to Paul,’ or ‘I belong to Cephas,’ or ‘I belong to Christ!’ Is Christ divided?” (1 Cor 1:12-13). No, rather let these words of the apostle sound a persuasive call: “I appeal to you, brethren, by the name of our Lord Jesus Christ, that all of you agree and that there be no dissensions among you, but that you be united in the same mind and the same judgment” (1 Cor 1:10).

Thus the life of church communion will become a sign for all the world and a compelling force that will lead persons to faith in Christ: “That they may all be one; even as you, Father, are in me and I in you, that they also may be in us, so that the world may believe that you have sent me” (Jn 17:21). In such a way communion leads to mission, and mission itself to communion.

III. I HAVE APPOINTED YOU TO GO FORTH AND BEAR FRUIT

The Co-responsibility of the Lay Faithful in the Church as Mission

Mission to Communion

32. We return to the biblical image of the vine and the branches, which immediately and quite appropriately lends itself to a consideration of fruitfulness and life. Engrafted to the vine and brought to life, the branches are expected to

¹¹⁹ John Paul II. Discourse in Loreto, Italy (April 10, 1985): AAS 77 (1985): 964.

bear fruit: “He who abides in me, and I in him, he it is that bears much fruit” (Jn 15:5). Bearing fruit is an essential demand of life in Christ and life in the church. The person who does not bear fruit does not remain in communion: “Each branch of mine that bears no fruit, he (my Father) takes away” (Jn 15:2).

Communion with Jesus, which gives rise to the communion of Christians among themselves, is an indispensable condition for bearing fruit: “Apart from me you can do nothing” (Jn 15:5). And communion with others is the most magnificent fruit that the branches can give: In fact, it is the gift of Christ and his Spirit.

At this point communion begets communion: Essentially it is likened to a mission on behalf of communion. In fact, Jesus says to his disciples: “You did not choose me, but I chose you and appointed you that you should go and bear fruit and that your fruit should abide” (Jn 15:16).

Communion and mission are profoundly connected with each other, they interpenetrate and mutually imply each other, to the point that communion represents both the source and the fruit of mission: Communion gives rise to mission, and mission is accomplished in communion. It is always the one and the same Spirit who calls together and unifies the church and sends her to preach the Gospel “to the ends of the earth” (Acts 1:8). On her part, the church knows that the communion received by her as a gift is destined for all people. Thus the church feels she owes to each individual and to humanity as a whole the gift received from the Holy Spirit that pours the charity of Jesus Christ into the hearts of believers as a mystical force for internal cohesion and external growth. The mission of the church flows from her own nature. Christ has willed it to be so: that of “sign and instrument... of unity of all the human race.”¹²⁰ Such a mission has the purpose of making everyone know and live the “new” communion that the Son of God made man introduced into the history of the world. In this regard, then, the testimony of John the Evangelist defines in an undeniable way the blessed end toward which the entire mission of the church is directed: “That which we have seen and heard we proclaim also to you, so that you may have fellowship with us; and our fellowship is with the Father and with his Son, Jesus Christ” (1 Jn 1:3).

In the context of church mission, then, the Lord entrusts a great part of the responsibility to the lay faithful, in communion with all other members of the people of God. This fact, fully understood by the fathers of the Second Vatican Council, recurred with renewed clarity and increased vigor in all the works of the synod: “Indeed, pastors know how much the lay faithful contribute to the welfare of the entire church. They also know that they themselves were not established by Christ to undertake alone the entire saving mission of the church toward the world, but they understand that it is their exalted office to be shepherds of the lay faithful and also to recognize the latter’s services and charisms that all according to their

¹²⁰ *Lumen Gentium*, 1.

proper roles may cooperate in this common undertaking with one heart.”¹²¹

Proclaiming the Gospel

33. The lay faithful, precisely because they are members of the church, have the vocation and mission of proclaiming the Gospel: They are prepared for this work by the sacraments of Christian initiation and by the gifts of the Holy Spirit.

In a very clear and significant passage from the Second Vatican Council, we read: “As sharers in the mission of Christ, priest, prophet and king, the lay faithful have an active part to play in the life and activity of the church... Strengthened by their active participation in the liturgical life of their community, they are eager to do their share in apostolic works of that community. They lead to the church people who are perhaps far removed from it; they earnestly cooperate in presenting the word of God, especially by means of catechetical instruction; and offer their special skills to make the care of souls and the administration of the temporal goods of the church more efficient.”¹²²

The entire mission of the church, then, is concentrated and manifested in evangelization. Through the winding passages of history the church has made her way under the grace and the command of Jesus Christ: “Go into all the world and preach the Gospel to the whole creation” (Mk 16:15); “And lo, I am with you always, until the close of the age” (Mt 28:20). “To evangelize,” writes Paul VI, “is the grace and vocation proper to the church, her most profound identity.”¹²³

Through evangelization the church is built up into a community of faith: more precisely, into a community that confesses the faith in full adherence to the word of God, which is celebrated in the sacraments and lived in charity, the principle of Christian moral existence. In fact, the “good news” is directed to stirring a person to a conversion of heart and life and a clinging to Jesus Christ as Lord and Savior; to disposing a person to receive baptism and the Eucharist and to strengthen a person in the prospect and realization of new life according to the Spirit.

Certainly the command of Jesus, “Go and preach the Gospel,” always maintains its vital value and its ever-pressing obligation. Nevertheless, the present situation, not only of the world but also of many parts of the church, absolutely demands that the word of Christ receive a more ready and generous obedience. Every disciple is personally called by name; no disciple can withhold making a response: “Woe to me. if I do not preach the Gospel” (1 Cor 9:16).

¹²¹ Ibid., 30.

¹²² *De Apostolicam Actuositatem*, 10.

¹²³ *Evangelii Nuntiandi*, 14: AAS 68 (1976): 13.

The Hour Has Come for a Re-evangelization

34. Whole countries and nations where religion and the Christian life were formerly flourishing and capable of fostering a viable and working community of faith are now put to a hard test and in some cases are even undergoing a radical transformation as a result of a constant spreading of an indifference to religion, of secularism and atheism. This particularly concerns countries and nations of the so-called First World, in which economic well-being and consumerism, even if coexistent with a tragic situation of poverty and misery, inspires and sustains a life lived “as if God did not exist.” This indifference to religion and the practice of religion devoid of true meaning in the face of life’s very serious problems are not less worrying and upsetting when compared with declared atheism. Sometimes the Christian faith as well, while maintaining some of the externals of its tradition and rituals, tends to be separated from those moments of human existence which have the most significance, such as birth, suffering and death. In such cases, the questions and formidable enigmas posed by these situations, if remaining without responses, expose contemporary people to an inconsolable delusion or to the temptation of eliminating the truly humanizing dimension of life implicit in these problems.

On the other hand, in other regions or nations many vital traditions of piety and popular forms of Christian religion are still conserved; but today this moral and spiritual patrimony runs the risk of being dispersed under the impact of a multiplicity of processes, including secularization and the spread of sects. Only a re-evangelization can assure the growth of a clear and deep faith, and serve to make these traditions a force for authentic freedom.

Without doubt a mending of the Christian fabric of society is urgently needed in all parts of the world. But for this to come about what is needed is to first remake the Christian fabric of the ecclesial community itself present in these countries and nations.

At this moment, the lay faithful, in virtue of their participation in the prophetic mission of Christ, are fully part of this work of the church. Their responsibility, in particular, is to testify how the Christian faith constitutes the only fully valid response – consciously perceived and stated by all in varying degrees – to the problems and hopes that life poses to every person and society. This will be possible if the lay faithful will know how to overcome in themselves the separation of the Gospel from life, to again take up in their daily activities in family, work and society, an integrated approach to life that is fully brought about by the inspiration and strength of the Gospel.

To all people of today I once again repeat the impassioned cry with which I began my pastoral ministry: “Do not be afraid! Open, indeed, open wide the doors to Christ! Open to his saving power the confines of states and systems, political and economic, as well as the vast fields of culture, civilization and development.

Do not be afraid! Christ knows ‘what is inside a person’. Only he knows! Today too often people do not know what they carry inside in the deepest recesses of their soul, in their heart. Too often people are uncertain about a sense of life on earth. Invaded by doubts, they are led into despair. Therefore – with humility and trust I beg and implore you – allow Christ to speak to the person in you. Only he has the words of life, yes, eternal life.”¹²⁴

Opening wide the doors to Christ, accepting him into humanity itself poses absolutely no threat to persons, indeed it is the only road to take to arrive at the total truth and the exalted value of the human individual.

This vital synthesis will be achieved when the lay faithful know how to put the Gospel and their daily duties of life into a most shining and convincing testimony where, not fear, but the loving pursuit of Christ and adherence to him will be the factors determining how a person is to live and grow, and these will lead to new ways of living more in conformity with human dignity.

Humanity is loved by God! This very simple, yet profound proclamation is owed to humanity by the church. Each Christian’s words and life must make this proclamation resound: God loves you, Christ came for you, Christ is for you “the way, the truth and the life!” (Jn 14:6).

This re-evangelization is directed not only to individual persons, but also to entire portions of populations in the variety of their situations, surroundings and cultures. Its purpose is the formation of mature ecclesial communities in which the faith might radiate and fulfill the basic meaning of adherence to the person of Christ and his Gospel, of an encounter and sacramental communion with him, and of an existence lived in charity and in service.

The lay faithful have their part to fulfill in the formation of these ecclesial communities, not only through an active and responsible participation in the life of the community – in other words, through a testimony that only they can give – but also through a missionary zeal and activity toward the many people who still do not believe and who no longer live the faith received at baptism.

In the case of coming generations, the lay faithful must offer the very valuable contribution, more necessary than ever, of a systematic work in catechesis. The synod fathers have gratefully taken note of the work of catechists, acknowledging that they “have a task that carries great importance in animating ecclesial communities.”¹²⁵ It goes without saying that Christian parents are the primary and irreplaceable catechists of their children, a task for which they are given the grace by the sacrament of matrimony. At the same time, however, we all ought to be aware of the “rights” that each baptized person has to being instructed, educated and supported in the faith and the Christian life.

¹²⁴ John Paul II. Homily at the beginning of his ministry (Oct. 22, 1978): AAS 70 (1978): 947.

¹²⁵ Proposition 10.

Go Into the Whole World

35. While pointing out and experiencing the present urgency for a re-evangelization, the church cannot withdraw from her ongoing mission of bringing the Gospel to the multitudes – the millions and millions of men and women – who as yet do not know Christ, the redeemer of humanity. In a specific way this is the missionary work that Jesus entrusted and again entrusts each day to his church.

The activity of the lay faithful, who are always present in these surroundings, is revealed in these days as increasingly necessary and valuable. As it stands, the command of the Lord, “Go into the whole world,” is continuing to find a generous response from lay persons who are ready to leave familiar surroundings, their work, their region or country, at least for a determined time, to go into mission territory. Even Christian married couples, in imitation of Aquila and Priscilla (cf. Acts 18; Rom 16:3ff), are offering a comforting testimony of impassioned love for Christ and the church through their valuable presence in mission lands. A true missionary presence is exercised even by those who for various reasons live in countries or surroundings where the church is not yet established and bear witness to the faith.

However, at present the missionary concern is taking on such extensive and serious proportions for the church that only a truly consolidated effort to assume responsibility by all members of the church, both individuals and communities, can lead to the hope for a more fruitful response.

The invitation addressed by the Second Vatican Council to the particular church retains all its value, even demanding at present a more extensive and more decisive acceptance: “Since the particular churches are bound to mirror the universal church as perfectly as possible, let them be fully aware that they have been sent also to those who do not believe in Christ.”¹²⁴

The church today ought to take a giant step forward in her evangelization effort and enter into a new stage of history in her missionary dynamism. In a world where the lessening of distance makes the world increasingly smaller, the church community ought to strengthen the bonds among its members, exchange vital energies and means, and commit itself as a group to a unique and common mission of proclaiming and living the Gospel. “So-called younger churches have need of the strength of the older churches and the older ones need the witness and impulse of the younger, so that individual churches receive the riches of other churches.”¹²⁷

In this area, younger churches are finding that an essential and undeniable element in the founding of churches¹²⁸ is the formation not only of local clergy, but also of a mature and responsible lay faithful: In this way the community which itself has been evangelized goes forth into a new region of the world so that it too

¹²⁴ *Ad Gentes*, 20; cf. also *ibid.*, 37.

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¹²⁸ Cf. *Ad Genies*, 21.

might respond to the mission of proclaiming and bearing witness to the Gospel of Christ.

The synod fathers have mentioned that the lay faithful can favor the relations which ought to be established with followers of various religions through their example in the situations in which they live and in their activities: “Throughout the world today the church lives among people of various religions... All the faithful, especially the lay faithful who live among the people of other religions, whether living in their native region or in lands as migrants, ought to be for all a sign of the Lord and his church in a way adapted to the actual living situation of each place. Dialogue among religions has a pre-eminent part, for it leads to love and mutual respect, and takes away, or at least diminishes, prejudices among the followers of various religions and promotes unity and friendship among peoples.”¹²⁹

What is first needed for the evangelization of the world are those who will evangelize. In this regard everyone, beginning with the Christian family, must feel the responsibility to foster the birth and growth of vocations, both priestly and religious as well as in the lay state, specifically directed to the missions. This should be done by relying on every appropriate means, but without ever neglecting the privileged means of prayer, according to the very words of the Lord Jesus: “The harvest is plentiful, but the laborers are few; pray therefore the Lord of the harvest to send out laborers into his harvest!” (Mt 9:37, 38).

To Live the Gospel: Serving the Person and Society

36. In both accepting and proclaiming the Gospel in the power of the Spirit, the church becomes at one and the same time an “evangelizing and evangelized” community, and for this very reason she is made the servant of all. In her the lay faithful participate in the mission of service to the person and society. Without doubt the church has the kingdom of God as her supreme goal, of which “she on earth is its seed and beginning”¹³⁰ and is therefore totally consecrated to the glorification of the Father. However, the kingdom is the source of full liberation and total salvation for all people: With this in mind, then, the church walks and lives, intimately bound in a real sense to their history.

Having received the responsibility of manifesting to the world the mystery of God that shines forth in Jesus Christ, the church likewise awakens one person to another, giving a sense of one’s existence, opening each to the whole truth about the individual and of each person’s final destiny.¹³¹ From this perspective the church is called, in virtue of her very mission of evangelization, to serve all humanity. Such service is rooted primarily in the extraordinary and profound fact

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¹²⁹ *Lumen Gentium*. 5.

¹³¹ Cf. *Gaudium et Spes*. 22.

that “through the incarnation the Son of God has united himself in some fashion to every person.”¹³²

For this reason the person “is the primary route that the church must travel in fulfilling her mission: The individual is the primary and fundamental way for the church, the way traced out by Christ himself, the way that leads invariably through the mystery of the incarnation and redemption.”¹³³

The Second Vatican Council, repeatedly and with a singular clarity and force, expressed these very sentiments in its documents. We again read a particularly enlightening text from the constitution *Gaudium et Spes*: “Pursuing the saving purpose which is proper to her, the church not only communicates divine life to all, but in some way casts the reflected light of that divine life over the entire earth. She does this most of all by her healing and elevating impact on the dignity of the human person by the way in which she strengthens the bonds of human society and imbues the daily activity of people with a deeper sense and meaning. Thus, through her individual members and the whole community, the church believes she can contribute much to make the family of man and its history more human.”¹³⁴

In this work of contributing to the human family, for which the whole church is responsible, a particular place falls to the lay faithful by reason of their “secular character,” obliging them, in their proper and irreplaceable way, to work toward the Christian animation of the temporal order.

Promoting the Dignity of the Person

37. To rediscover and make others rediscover the inviolable dignity of every human person makes up an essential task, in a certain sense, the central and unifying task of the service which the church, and the lay faithful in her, are called to render to the human family.

Among all other earthly beings, only a man or a woman is a “person,” a conscious and free being and, precisely for this reason, the “center and summit” of all that exists on the earth.¹³⁵

The dignity of the person is the most precious possession of an individual. As a result, the value of one person transcends all the material world. The words of Jesus, “For what does it profit a man, to gain the whole world and to forfeit his life?” (Mk 8:36), contain an enlightening and stirring statement about the individual: Value comes not from what a person “has” – even if the person possessed the whole world! – as much as from what a person “is”: The goods of the world do not count as much as the good of the person, the good which is the

Ibid., 22.

John Paul II, encyclical letter *Redemptor Hominis*. 14: AAS 71 (1979): 284-285.

1M *Gaudium et Spes*, 40.

113 Cf. *ibid.*, 12.

person individually.

The dignity of the person is manifested in all its radiance when the person's origin and destiny are considered: Created by God in his image and likeness as well as redeemed by the most precious blood of Christ, the person is called to be a "child in the Son" and a living temple of the Spirit, destined for the eternal life of blessed communion with God. For this reason every violation of the personal dignity of the human being cries out in vengeance to God and is an offense against the Creator of the individual.

In virtue of a personal dignity, the human being is always a value as an individual and as such demands being considered and treated as a person and never, on the contrary, considered and treated as an object to be used or as a means or as a thing.

The dignity of the person constitutes the foundation of the equality of all people among themselves. As a result, all forms of discrimination are totally unacceptable, especially those forms which unfortunately continue to divide and degrade the human family, from those based on race or economics to those social and cultural, from political to geographic, etc. Each discrimination constitutes an absolutely intolerable injustice, not so much for the tensions and the conflicts that can be generated in the social sphere as much as for the dishonor inflicted on the dignity of the person: not only to the dignity of the individual who is the victim of the injustice, but still more to the one who commits the injustice.

Just as personal dignity is the foundation of equality of all people among themselves, so it is also the foundation of participation and solidarity of all people among themselves: Dialogue and communion are rooted ultimately in what people "are," first and foremost, rather than on what people "have."

The dignity of the person is the indestructible properly of every human being. The force of this affirmation is based on the uniqueness and unrepeatability of every person. From it flows that the individual can never be reduced by all that seeks to crush and to annihilate the person into the anonymity that comes from collectivity, institutions, structures and systems. As an individual, a person is not a number or simply a link in a chain, nor even less an impersonal element in some system. The most radical and elevating affirmation of the value of every human being was made by the Son of God in his becoming man in the womb of a woman, as we continue to be reminded each Christmas.¹³⁶

If we celebrate so solemnly the birth of Jesus, we do it so as to bear witness to the fact that each person is someone unique and unrepeatable. If humanity's statistics and arrangement, its political, economic and social systems as well as its simple possibilities, do not come about to assure man that he can be born, exist and work as a unique and unrepeatable individual, then bid farewell to all assurances. For Christ and because of him, the individual is always unique and unrepeatable; someone eternally conceived and eternally chosen; someone called and given a special name" (John Paul II, First Christmas radio message: AAS 71 [1979]: 66).

Respecting the Inviolable Right to Life

38. In effect the acknowledgment of the personal dignity of every human being demands the respect, the defense and the promotion of the rights of the human person. It is a question of inherent, universal and inviolable rights. No one, no individual, no group, no authority, no state, can change – let alone eliminate – them because such rights find their source in God himself.

The inviolability of the person, which is a reflection of the absolute inviolability of God, finds its primary and fundamental expression in the inviolability of human life. Above all, the common outcry, which is justly made on behalf of human rights – for example, the right to health, to home, to work, to family, to culture – is false and illusory if the right to life, the most basic and fundamental right and the condition for all other personal rights, is not defended with maximum determination.

The church has never yielded in the face of all the violations that the right to life of every human being has received and continues to receive, both from individuals and from those in authority. The human being is entitled to such rights in every phase of development from conception until natural death; and in every condition, whether healthy or sick, whole or handicapped, rich or poor. The Second Vatican Council openly proclaimed: “All offenses against life itself such as every kind of murder, genocide, abortion, euthanasia and willful suicide; all violations of the integrity of the human person such as mutilation, physical and mental torture, undue psychological pressures; all offenses against human dignity such as subhuman living conditions, arbitrary imprisonment, deportation, slavery, prostitution, the selling of women and children, degrading working conditions where men are treated as mere tools for profit rather than free and responsible persons; all these and the like are certainly criminal: They poison human society; and they do more harm to those who practice them than those who suffer from the injury. Moreover, they are a supreme dishonor to the Creator.”¹³⁷

If, indeed, everyone has the mission and responsibility of acknowledging the personal dignity of every human person being and of defending the right to life, some lay faithful are given a particular title to this task: such as parents, teachers, health workers and the many who hold economic and political power.

The church today lives a fundamental aspect of her mission in lovingly and generously accepting every human being, especially those who are weak and sick. This is made all the more necessary as a “culture of death” threatens to take control. In fact, “the church family believes that human life, even if weak and suffering, is always a wonderful gift of God’s goodness. Against the pessimism and selfishness which cast a shadow over the world, the church stands for life: In each human life she sees the splendor of that yes, that amen, which is Christ

¹³⁷ *Gaudium et Spes*. 27.

himself (cf. 2 Cor 1:19; Rv 3:14). To the no which assails and afflicts the world, she replies with this living yes, this defending of the human person and the world from all who plot against life.””” It is the responsibility of the lay faithful, who more directly through their vocation or their profession are involved in accepting life, to make the church’s yes to human life concrete and efficacious.

The enormous development of biological and medical science, united to an amazing power in technology, today provides possibilities on the very frontier of human life which imply new responsibilities. In fact, today humanity is in the position not only of “observing,” but even “exercising a control over” human life at its very beginning and in its first stages of development.

The moral conscience of humanity is not able to turn aside or remain indifferent in the face of these gigantic rides accomplished by a technology that is acquiring a continually more extensive and profound dominion over the working processes that govern procreation and the first phases of human life. Today as perhaps never before in history or in this field, wisdom shows itself to be the only firm basis to salvation, in that persons engaged in scientific research and in its application are always to act with intelligence and love, that is, respecting, even remaining in veneration of, the inviolable dignity of the personhood of every human being, from the first moment of life’s existence. This occurs when science and technology are committed with licit means to the defense of life and the cure of disease in its beginnings, refusing on the contrary – even for the dignity of research itself – to perform operations that result in falsifying the genetic patrimony of the individual and of human generative power.¹³⁹

The lay faithful, having responsibility in various capacities and at different levels of science as well as in the medical, social, legislative and economic fields, must courageously accept the “challenge” posed by new problems in bioethics. The synod fathers used these words: “Christians ought to exercise their responsibilities as masters of science and technology, and not become their slaves.... In view of the moral challenges presented by enormous new technological power, endangering not only fundamental human rights but the very biological essence of the human species, it is of utmost importance that lay Christians – with the help of the universal church – take up the task of calling culture back to the principles of an authentic humanism, giving a dynamic and sure foundation to the promotion and defense of the rights of the human being in one’s very essence, an essence which the preaching of the Gospel reveals to all.”¹⁴⁰

Today maximum vigilance must be exercised by everyone in the face of the

John Paul II. apostolic exhortation *Familiaris Consortia*, 30: AAS 74 (1982): 116.

[¹³⁹] Cf. Congregation for the Doctrine of the Faith. Instruction on Respect for Human Life in Its Origins and on the Dignity of Procreation Reply to Certain Questions of the Day (March II, 1987): AAS 80 (1988): 70-102.

Proposition 36.

phenomenon of the concentration of power and technology. In fact such a concentration has a tendency to manipulate not only the biological essence, but the very content of people's consciences and lifestyles, thereby worsening the condition of entire peoples by discrimination and marginality.

Free to Call Upon the Name of the Lord

39. Respect for the dignity of the person, which implies the defense and promotion of human rights, demands the recognition of the religious dimension of the individual. This is not simply a requirement "concerning matters of faith," but a requirement that finds itself inextricably bound up with the very reality of the individual. In fact, the individual's relation to God is a constitutive element of the very "being" and "existence" of an individual: It is in God that we "live, move and have our being" (Acts 17:28). Even if not all believe this truth, the many who are convinced of it have the right to be respected for their faith and for their life choice, individual and communal, that flows from that faith. This is the right of freedom of conscience and religious freedom, the effective acknowledgment of which is among the highest goods and the most serious duties of every people that truly wishes to assure the good of the person and society. "Religious freedom, an essential requirement of the dignity of every person, is a cornerstone of the structure of human rights and for this reason an irreplaceable factor in the good of individuals and of the whole of society as well as of the personal fulfillment of each individual. It follows that the freedom of individuals and of communities to profess and practice their religion is an essential element for peaceful human coexistence.... The civil and social right to religious freedom, inasmuch as it touches the most intimate sphere of the spirit, is a point of reference for the other fundamental rights and in some way becomes a measure of them."¹⁴¹

The synod did not forget the many brothers and sisters that still do not enjoy such a right and have to face difficulties, marginality, suffering, persecution and oftentimes death because of professing the faith. For the most part, they are brothers and sisters of the Christian lay faithful. The proclamation of the Gospel and the Christian testimony given in a life of suffering and martyrdom make up the summit of the apostolic life among Christ's disciples, just as the love for the Lord Jesus even to the giving of one's life constitutes a source of extraordinary fruitfulness for the building up of the church. Thus the mystic vine bears witness to its earnestness in the faith, as expressed by St. Augustine: "But that vine, as predicted by the prophets and even by the Lord himself, spread its fruitful branches in the world and becomes the more fruitful the more it is watered by the blood of martyrs."¹⁴²

¹⁴¹ John Paul II. Message for the World Day of Peace, (Dec. 8, 1987): AAS 80(1988): 278, 280.

¹⁴² St. Augustine, *De Catech. Rud.*, XXIV, 44: CCL46, 168.

The whole church is profoundly grateful for this example and this gift. These sons and daughters give reason for renewing the pursuit of a holy and apostolic life. In this sense the fathers at the synod have made it their special duty “to give thanks to those lay people who, despite their restricted liberty, live as tireless witnesses of faith in faithful union with the Apostolic See, although they may be deprived of sacred ministers. They risk everything, even life. In this way the lay faithful bear witness to an essential property of the church: God’s church is born of God’s grace, which is expressed in an excellent way in martyrdom.”¹⁴³

Without doubt, all that has been said until now on the subject of respect for personal dignity and the acknowledgment of human rights concerns the responsibility of each Christian, of each person. However, we must immediately recognize how such a problem today has a world dimension: In fact, it is a question which at this moment affects entire groups, indeed entire peoples, who are violently being denied their basic rights. Those forms of unequal development among the so-called different “worlds” were openly denounced in the recent encyclical *Sollicitudo Rei Socialis*.

Respect for the human person goes beyond the demands of individual morality. Instead, it is a basic criterion, an essential element, in the very structure of society itself, since the purpose of the whole of society itself is geared to the human person.

Thus, intimately connected with the responsibility of service to the person is the responsibility to serve society, as the general task of that Christian animation of the temporal order to which the lay faithful are called as their proper and specific role.

The Family: Where the Duty to Society Begins

40. The human person has an inherent social dimension which calls a person from the innermost depths of self to communion with others and to the giving of self to others: “God, who has fatherly concern for everyone, has willed that all people should form one family and treat one another in a spirit of brotherhood.”¹⁴⁴ Thus society as a fruit and sign of the social nature of the individual reveals its whole truth in being a community of persons.

Thus the result is an interdependence and reciprocity between the person and society: All that is accomplished in favor of the person is also a service rendered to society, and all that is done in favor of society redounds to the benefit of the person. For this reason the duty of the lay faithful in the apostolate of the temporal order is always to be viewed both from its meaning of service to the person founded on the individual’s uniqueness and unrepeatability as well as on the meaning of service to all people which is inseparable from it.¹⁴⁵

¹⁴⁵ Proposition 32.

¹⁴⁴ *Gaudium et Spes*. 24.

The first and basic expression of the social dimension of the person, then, is the married couple and the family: ‘But God did not create man a solitary being. From the beginning ‘male and female he created them’ (Gn 1:27). This partnership of man and woman constitutes the first form of communion between persons.’¹⁴⁵ Jesus is concerned to restore integral dignity to the married couple and solidity to the family (Mt 19:3-9). St. Paul shows the deep rapport between marriage and the mystery of Christ and the church (cf. Eph 5:22-6:4; Col 3:18-21; 1 Pt 3:1-7).

The lay faithful’s duty to society primarily begins in marriage and in the family. This duty can only be fulfilled adequately with the conviction of the unique and irreplaceable value that the family has in the development of society and the church itself.

The family is the basic cell of society. It is the cradle of life and love, the place in which the individual “is born” and “grows.” Therefore a primary concern is reserved for this community, especially in those times when human egoism, the anti-birth campaign, totalitarian politics, situations of poverty, material, cultural and moral misery, threaten to make these very springs of life dry up. Furthermore, ideologies and various systems, together with forms of disinterest and indifference, dare to take over the role in education proper to the family.

Required in the face of this is a vast, extensive and systematic work sustained not only by culture, but also by economic and legislative means which will safeguard the role of family in its task of being the primary place of “humanization” for the person and society.

It is above all the lay faithful’s duty in the apostolate to make the family aware of its identity as the primary social nucleus and its basic role in society, so that it might itself become always a more active and responsible place for proper growth and proper participation in social life. In such a way the family can and must require from all, beginning with public authority, the respect for those rights which, in saving the family, will save society itself.

All that is written in the exhortation *Familiaris Consortio* about participation in the development of society¹⁴⁶ and all that the Holy See, at the invitation of the 1980 Synod of Bishops, has formulated with the Charter of Rights for the Family, represent a complete and coordinated working program for all those members of the lay faithful who, in various capacities, are interested in the values and the needs of the family. Such a program needs to be more opportunely and decisively realized as the threats to the stability and fruitfulness of the family become more serious and the attempt to reduce the value of the family and to lessen its social value become more pressing and coordinated.

As experience testifies, whole civilizations and the cohesiveness of peoples depend above all on the human quality of their families. For this reason the duty

¹⁴⁵ Ibid., 12.

¹⁴⁶ Cf. *Familiaris Consortio*, 42-48.

in the apostolate toward the family acquires an incomparable social value. The church, for her part, is deeply convinced of it, knowing well that “the path to the future passes through the family.”¹⁴⁷

Charity: The Soul and Sustenance of Solidarity

41. Service to society is expressed and realized in the most diverse ways, from those spontaneous and informal to those more structured, from help given to individuals to those destined for various groups and communities of persons.

The whole church as such is directly called to the service of charity: “In the very early days the church added the *agape* to the eucharistic supper and thus showed herself to be wholly united around Christ by the bond of charity. So too, in all ages she is recognized by this sign of love, and while she rejoices in the undertakings of others, she claims works of charity as her own inalienable duty and right. For this reason, mercy to the poor and the sick, works of charity and mutual aid intended to relieve human needs of every kind, are held in special honor in the church.”¹⁴⁸ Charity toward one’s neighbor, through contemporary forms of the traditional spiritual and corporal works of mercy, represent the most immediate, ordinary and habitual ways that lead to the Christian animation of the temporal order, the specific duty of the lay faithful.

Through charity toward one’s neighbor, the lay faithful exercise and manifest their participation in the kingship of Christ, that is, in the power of the Son of Man, who “came not to be served but to serve” (Mk 10:45). They live and manifest such a kingship in a most simple yet exalted manner, possible for everyone at all times because charity is the highest gift offered by the Spirit for building up the church (cf. 1 Cor 13:13) and for the good of humanity. In fact, charity gives life and sustains the works of solidarity that look to the total needs of the human being.

The same charity, realized not only by individuals but also in a joint way by groups and communities, is and always will be necessary. Nothing and no one will be able to substitute for it, not even the multiplicity of institutions and public initiatives forced to give a response to the needs – oftentimes today so serious and widespread – of entire populations. Paradoxically, such charity is made increasingly necessary the more that institutions become complex in their organization and pretend to manage every area at hand. In the end, such projects lose their effectiveness as a result of an impersonal functionalism, an overgrown bureaucracy, unjust private interests and an all-too-easy and generalized disengagement from a sense of duty. **I**

Precisely in this context various forms of volunteer work, which express themselves in a multiplicity of services and activities, continue to come about and

¹⁴⁷ Ibid., 85.

¹⁴⁸ *Apostolicam Actuositatem*, 8.

to spread, particularly in organized society. If this impartial service be truly given for the good of all persons, especially the most in need and forgotten by the social services of society itself, then volunteer work can be considered an important expression of the apostolate, in which lay men and women have a primary role.

Public Life: For Everyone and by Everyone

42. A charity that loves and serves the person is never able to be separated from justice. Each in its own way demands the full, effective acknowledgment of the rights of the individual, to which society is ordered in all its structures and institutions.¹⁴⁹

In order to achieve their task directed to the Christian animation of the temporal order, in the sense of serving persons and society, the lay faithful are never to relinquish their participation in “public life,” that is, in the many different economic, social, legislative, administrative and cultural areas, which are intended to promote organically and institutionally the common good. The synod fathers have repeatedly affirmed that every person has a right and a duty to participate in public life, albeit in a diversity and complementarity of forms, levels, tasks and responsibilities. Charges of careerism, idolatry of power, egoism and corruption that are often-times directed at persons in government, parliaments, the ruling classes or political parties, as well as the common opinion that participating in politics is an absolute moral danger, does not in the least justify either skepticism or an absence on the part of Christians in public life.

On the contrary, the Second Vatican Council’s words are particularly significant: “The church regards as worthy of praise and consideration the work of those who, as a service to others, dedicate themselves to the public good of the state and undertake the burdens of this task.”¹⁵⁰¹⁵¹

Public life on behalf of the person and society finds its basic standard in the pursuit of the common good, as the good of everyone and as the good of each person taken as a whole, which is guaranteed and offered in a fitting manner to people, both as individuals and in groups, for their free and responsible acceptance. “The political community” – we read in the constitution *Gaudium et Spes* – “exists for that common good in which the community finds its full justification and meaning, and from which it derives its basic, proper and lawful arrangement. The common good embraces the sum total of all those conditions of social life by which individuals, families and organizations can achieve more thoroughly their own fulfillment.”¹⁵¹

¹⁴⁹ For the relationship between justice and mercy, see John Paul II, encyclical letter *Dives in Misericordia*, 12: AAS 72 (1980): 1215-1217.

¹⁵⁰ *Gaudium et Spes*, 75.

¹⁵¹ Ibid., 74.

Furthermore, public life on behalf of the person and society finds its continuous line of action in the defense and the promotion of justice, understood to be a “virtue,” an understanding which requires education as well as a moral “force” that sustains the obligation to foster the rights and duties of each and every one, based on the personal dignity of each human being.

The spirit of service is a fundamental element in the exercise of political power. This spirit of service, together with the necessary competence and efficiency, can make “virtuous” or “above criticism” the activity of persons in public life, which is justly demanded by the rest of the people. To accomplish this requires a full-scale battle and a determination to overcome every temptation, such as the recourse to disloyalty and to falsehood, the waste of public funds for the advantage of a few and those with special interests, and the use of ambiguous and illicit means for acquiring, maintaining and increasing power at any cost.

The lay faithful given a charge in public life certainly ought to respect the autonomy of earthly realities properly understood, as we read in the constitution *Gaudium et Spes*: “It is of great importance, especially in a pluralistic society, to work out a proper vision of the relationship between the political community and the church, and to distinguish clearly between the activities of Christians acting individually or collectively in their own name as citizens guided by the dictates of a Christian conscience and their activity in communion with their pastors in the name of the church. The church, by reason of her role and competence, is not identified with any political community nor bound by ties to any political system. She is at once the sign and the safeguard of the transcendental dimension of the human person.”¹⁵² At the same time – and this is felt today as a pressing responsibility – the lay faithful must bear witness to those human and Gospel values that are intimately connected with political activity itself, such as liberty and justice, solidarity, faithful and unselfish dedication for the good of all, a simple lifestyle, and a preferential love for the poor and the least. This demands that the lay faithful always be more animated by a real participation in the life of the church and enlightened by her social doctrine. In this they can be supported and helped by the nearness of the Christian community and their pastors.¹⁵³

The manner and means for achieving a public life which has true human development as its goal is solidarity. This concerns the active and responsible participation of all in public life, from individual citizens to various groups, from labor unions to political parties. All of us, each and everyone, are the goal of public life as well as its leading participants. In this environment, as I wrote in the encyclical *Sollicitudo Rei Socialis*, solidarity “is not a feeling of vague compassion or shallow distress at the misfortunes of so many people, both near and far. On the contrary, it is a firm and persevering determination to commit oneself to the

¹⁵² Ibid.. 76.

Cf Proposition 28.

common good, that is to say, to the good of all and of each individual because we are all really responsible for all.”¹⁵⁴

Today political solidarity requires going beyond single nations or a single bloc of nations to a consideration on a properly continental and world level.

The fruit of sound political activity, which is so much desired by everyone but always lacking in advancement, is peace. The lay faithful cannot remain indifferent or be strangers and inactive in the face of all that denies and compromises peace, namely, violence and war, torture and terrorism, concentration camps, militarization of public life, the arms race and the nuclear threat. On the contrary, as disciples of Jesus Christ, “prince of peace” (Is 9:5) and “our peace” (Eph 2:14), the lay faithful ought to take upon themselves the task of being “peacemakers” (Mt 5:9), both through a conversion of “heart,” justice and charity, all of which are the undeniable foundation of peace.¹⁵⁵

The lay faithful, in working together with all those that truly seek peace and themselves serving in specific organizations as well as national and international institutions, ought to promote an extensive work of education intended to defeat the ruling culture of egoism, hate, the vendetta and hostility, and thereby to develop the culture of solidarity at every level. Such solidarity, in fact, “is the way to peace and at the same time to development.”¹⁵⁶ From this perspective the synod fathers have invited Christians to reject as unacceptable all forms of violence, to promote attitudes of dialogue and peace, and to commit themselves to establish a just international and social order.¹⁵⁷

Placing the Individual at the Center of Socio-Economic Life

43. Service to society on the part of the lay faithful finds its essence in the socio-economic question, which depends on the organization of work.

Recently recalled in the encyclical *Sollicitudo Rei Socialis* is the seriousness of present problems as they relate to the subject of development and a proposed solution according to the social doctrine of the church. I warmly desire to again refer its contents to all, in particular, to the lay faithful.

The basis for the social doctrine of the church is the principle of the universal destination of goods. According to the plan of God, the goods of the earth are offered to all people and to each individual as a means toward the development of a truly human life. At the service of this destination of goods is private property, which – precisely for this purpose – possesses an intrinsic social function. Concretely the work of man and woman represents the most common and most

¹⁵⁴ John Paul II. encyclical letter *Sollicitudo Rei Socialis*. 38: .VIS 80 (1988): 565-566.

¹⁵⁵ Cf. John XXII, encyclical letter *Pacem in Terris*: AAS 55 (1963): 265-266.

¹⁵⁶ *Sollicitudo Rei Socialis*. 39.

¹⁵⁷ Cf. Proposition 26.

immediate instrument for the development of economic life, an instrument that constitutes at one and the same time a right and a duty for every individual.

Once again, all of this comes to mind in a particular way in the mission of the lay faithful. The Second Vatican Council formulates in general terms the purpose and criterion of their presence and their action: “In the socio-economic realm the dignity and total vocation of the human person must be honored and advanced along with the welfare of society as a whole, for man is the source, the center and the purpose of all socio-economic life.”¹⁵⁸

In the context of the transformations taking place in the world of economy and work, which are a cause of concern, the lay faithful have the responsibility of being in the forefront in working out a solution to the very serious problems of growing unemployment; to fight for the most opportune overcoming of numerous injustices that come from organizations of work which lack a proper goal; to make the workplace become a community of persons respected in their uniqueness and in their right to participation; to develop new solidarity among those that participate in a common work; to raise up new forms of entrepreneurship and to look again at systems of commerce, finance and exchange of technology.

To such an end the lay faithful must accomplish their work with professional competence, with human honesty and with a Christian spirit, and especially as a way of their own sanctification,¹⁵⁹ according to the explicit invitation of the council: “By work, an individual ordinarily provides for self and family, is joined in fellowship to others and renders them service; and is enabled to exercise genuine charity and be a partner in the work of bringing divine creation to perfection. Moreover, we know that through work offered to God an individual is associated with the redemptive work of Jesus Christ, whose labor with his hands at Nazareth greatly ennobled the dignity of work.”¹⁶⁰

Today, in an ever-increasingly acute way, the so-called “ecological” question poses itself in relation to socio-economic life and work. Certainly humanity has received from God himself the task of “dominating” the created world and “cultivating the garden” of the world. But this is a task that humanity must carry out in respect for the divine image received and therefore with intelligence and with love, assuming responsibility for the gifts that God has bestowed and continues to bestow. Humanity has in its possession a gift that must be passed on to future generations if possible, passed on in better condition. Even these future generations are the recipients of the Lord’s gifts: “The dominion granted to humanity by the Creator is not an absolute power nor can one speak of a freedom to ‘use and misuse’ or to dispose of things as one pleases. The limitation imposed from the beginning by the Creator himself and expressed symbolically by the prohibition not[†]54

¹⁵⁴ *Gaudium et Spes*, 63.

¹⁵⁹ Cf. Proposition 24.

¹⁶⁰ *Gaudium et Spes*, 67.

to ‘eat of the fruit of the tree’ (cf. Gn 2:16-17) shows clearly enough that when it comes to the natural world we are subject not only to biological laws, but also to moral ones, which cannot be violated with impunity. A true concept of development cannot ignore the use of the things of nature, the renewability of resources and the consequences of haphazard industrialization – three considerations which alert our consciences to the moral dimension of development.”¹⁶¹

Evangelizing Culture and the Cultures of Humanity

44. Service to the individual and to human society is expressed and finds its fulfillment through the creation and the transmission of culture, which especially in our time constitutes one of the more serious tasks of living together as a human family and of social evolution. In light of the council, we mean by *culture* all those “factors which go to the refining and developing of humanity’s diverse spiritual and physical endowments. It means the efforts of the human family to bring the world under its control through its knowledge and its labor: to humanize social life both in the family and in the whole civic community through the improvement of customs and institutions; to express through its works the great spiritual experiences and aspirations of all peoples throughout the ages; finally, to communicate and to preserve them to be an inspiration for the progress of many, indeed of the whole human race.”¹⁶² In this sense, culture must be held as the common good of every people, the expression of its dignity, liberty and creativity, and the testimony of its course through history. In particular, only from within and through culture does the Christian faith become a part of history and the creator of history.

The church is fully aware of a pastoral urgency that calls for an absolutely special concern for culture in those circumstances where the development of a culture becomes dissociated not only from Christian faith, but even from human values¹⁶³ as well as in those situations where science and technology are powerless in giving an adequate response to the pressing questions of truth and well-being that burn in people’s hearts. For this reason the church calls upon the lay faithful to be present, as signs of courage and intellectual creativity, in the privileged places of culture, that is, the world of education – school and university – in places of scientific and technological research, the areas of artistic creativity and work in the humanities. Such a presence is destined not only for the recognition and possible purification of the elements that critically burden existing culture, but also for the elevation of those cultures through the riches which have their source in the Gospel and the Christian faith. The extensive treatment by the Second Vatican Council of the rapport between the Gospel and culture represents a constant historic fact and

¹⁶¹ *Sollicitudo Rei Socialis*. 34.

¹⁶² *Gaudium et Spes*, 53.

¹⁶³ Cf. Proposition 35.

at the same time serves as a working ideal of particular and immediate urgency. It is a challenging program given as a pastoral responsibility to the entire church, but in a specific way to the lay faithful in her. “The good news of Christ continually renews the life and culture of fallen humanity; it combats and removes the error and evil which flow from the attraction of sin, which are a perpetual threat. She never ceases to purify and to elevate the morality of peoples... In this way the church carries out her mission, and in that very act she stimulates and makes her contribution to human and civic culture. By her action, even in its liturgical forms, she leads people to interior freedom.”¹⁶⁴

Some particularly significant citations from Paul VI's exhortation *Evangelii Nuntiandi* merit recollection here: “The church evangelizes when she seeks to convert, solely through the divine power of the message she proclaims (cf. Rom 1:16; 1 Cor 1:18,2:4), both the personal and collective consciences of people, the activities in which they engage, and the lives and concrete milieus which are theirs. Strata of humanity are transformed: For the church it is a question not only of preaching the Gospel in ever-wider geographic areas or to ever-greater numbers of people, but also of affecting and as it were challenging, through the power of the Gospel, mankind's criteria of judgment, determining values, points of interest, lines of thought, sources of inspiration and models of life which are in contrast with the word of God and the plan of salvation. All this could be expressed in the following words: What matters is to evangelize humanity's culture and the cultures of the human family... The split between the Gospel and culture is without a doubt the drama of our time, just as it was of other times. Therefore, every effort must be made to ensure a full evangelization of culture, or more correctly, of cultures.”^{165*}

The privileged way at present for the creation and transmission of culture is the means of social communications.¹⁶⁶ The world of the mass media represents a new frontier for the mission of the church, because it is undergoing a rapid and innovative development and has an extensive worldwide influence on the formation of mentality and customs. In particular, the lay faithful's responsibility as professionals in this field, exercised both by individual right and through community initiatives and institutions, demands a recognition of all its values and demands that it be sustained by more adequate resource materials, both intellectual and pastoral.

The use of these instruments by professionals in communication and their reception by the public demand both a work of education in a critical sense, which is animated by a passion for the truth, and a work of defense of liberty, respect for the dignity of individuals and the elevation of the authentic culture of peoples, which occurs through a firm and courageous rejection of every form of monopoly

¹⁶⁴ *Gaudium et Spes*, 58.

¹⁴⁵ *Evangelii Nuntiandi*, 18-19.

¹⁶⁶ Cf. Proposition 37.

and manipulation.

However, the pastoral responsibility among the lay faithful does not stop with this work of defense. It extends to everyone in the world of communications, even to those professional people of the press, cinema, radio, television and theater. These also are called to proclaim the Gospel that brings salvation.

IV. LABORERS IN THE LORD'S VINEYARD

Good Stewards of God's Varied Grace

The Variety of Vocations

45. According to the Gospel parable, the "householder" calls the laborers for his vineyard at various times during the day: some at dawn, others about 9 in the morning, still others about midday and at 3, the last around 5 (cf. Mt 20:1 ff). In commenting on these words of the Gospel, St. Gregory the Great makes a comparison between the various times of the day and the different stages in life: "It is possible to compare the different hours," he writes, "to the various stages in a person's life. According to our analogy, the morning can certainly represent childhood. The third hour, then, can refer to adolescence; the sun has now moved to the height of heaven, that is, at this stage a person grows in strength. The sixth hour is adulthood, the sun is in the middle of the sky. indeed at this age the fullness of vitality is obvious. Old age represents the ninth hour, because the sun starts its descent from the height of heaven, thus the youthful vitality begins to decline. The 11th hour represents those who are most advanced in years... The laborers, then, are called and sent forth into the vineyard at different hours, that is to say, one is led to a holy life during childhood, another in adolescence, another in adulthood and another in old age."¹⁶⁷

We can make a further application of the comments of St. Gregory the Great to the extraordinary variety of ways the church becomes "present" in life; one and all are called to work for the coming of the kingdom of God according to the diversity of callings and situations, charisms and ministries. This variety is not only linked to age, but also to the difference of sex and to the diversity of natural gifts as well as to careers and conditions affecting a person's life. It is a variety that makes the riches of the church more vital and concrete.

¹⁶⁷ St. Gregory the Great, *Hom. In Evang.*

Young People, Children and Older People

Youth, the Hope of the Church

46. The synod wished to give particular attention to the young. And rightly so. In a great many countries of the world, they represent half of entire populations and often constitute in number half of the people of God itself living in those countries. Simply from this aspect youth make up an exceptional potential and a great challenge for the future of the church. In fact the church sees her path toward the future in the youth, beholding in them a reflection of herself and her call to that blessed youthfulness which she constantly enjoys as a result of Christ's Spirit. In this sense the council has defined youth as "the hope of the church."¹⁶⁸

In the letter of March 31, 1985, to young men and women in the world we read: "The church looks to the youth, indeed the church in a special way looks at herself in the youth, in all of you and in each of you. It has been so from the beginning, from apostolic times. The words of St. John in his first letter can serve as special testimony: 'I am writing to you, young people, because you have overcome the evil one. I write to you, children, because you know the Father... I write to you, young people, because you are strong and the word of God abides in you' (1 Jn 2:13ff)... In our generation, at the end of the second millennium after Christ, the church also sees herself in the youth."¹⁶⁹

Youth must not simply be considered as an object of pastoral concern for the church: In fact, young people are and ought to be encouraged to be active on behalf of the church as leading characters in evangelization and participants in the renewal of society.^{1,1} Youth is a time of an especially intensive discovery of a "self" and "a choice of life." It is a time for growth, which ought to progress "in wisdom, age and grace before God and people" (Lk 2:52).

The synod fathers have commented: "The sensitivity of young people profoundly affects their perceiving of the values of justice, non-violence and peace. Their hearts are disposed to fellowship, friendship and solidarity. They are greatly moved by causes that relate to the quality of life and the conservation of nature. But they are troubled by anxiety, deceptions, anguishes and fears of the world as well as by the temptations that come their state."¹⁷¹

The church must seek to rekindle the very special love displayed by Christ toward the young man in the Gospel: "Jesus, looking upon him, loved him" (Mk 10:21). For this reason the church does not live of proclaiming Jesus Christ, of proclaiming his Gospel as the unique and satisfying response to the most deep-

Second Vatican Council. Declaration on Christian Education *Gravissimum Educationis*. 2.

John Paul II. apostolic letter for the International Year of Youth. 15: *AAS* 77 (1985): 620-621.

II: Proposition 52.

1,1 Proposition 51.

seated aspirations of young people, as illustrated in Christ's forceful and exalted personal call to discipleship ("Come and follow me" Mk 10:21), that brings about a sharing in the filial love of Jesus for his Father and the participation in his mission for the salvation of humanity.

The church has so much to talk about with youth, and youth have so much to share with the church. This mutual dialogue, by taking place with great cordiality, clarity and courage, will provide a favorable setting for the meeting and exchange between generations and will be a source of richness and youthfulness for the church and civil society. In its message to young people the council said: "The church looks to you with confidence and with love... She is the real youthfulness of the world... Look upon the church and you will find in her the face of Christ."¹⁷²

Children and the Kingdom of Heaven

47. Children are certainly the object of the Lord Jesus' tender and generous love. To them he gave his blessing and, even more, to them he promised the kingdom of heaven (cf. Mt 9:13-15; Mk 10:14). In particular Jesus exalted the active role that little ones have in the kingdom of God. They are the eloquent symbol and exalted image of those moral and spiritual conditions that are essential for entering into the kingdom of God and for living the logic of total confidence in the Lord: "Truly I say to you, unless you turn and become like children, you will never enter the kingdom of heaven. Whoever humbles himself like this child, he is the greatest in the kingdom of heaven" (Mt 18:3-5; cf. Lk 9:48).

Children are a continual reminder that the missionary fruitfulness of the church has its life-giving basis not in human means and merits, but in the absolute gratuitous gift of God. The life itself of innocence and grace of many children, and even the suffering and oppression unjustly inflicted upon them are in virtue of the cross of Christ a source of spiritual enrichment for them and for the entire church. Everyone ought to be more conscious and grateful for this fact.

Furthermore, it must be acknowledged that valuable possibilities exist even in the life stages of infancy and childhood, both for the building up of the church and for making society more humane. How often the council referred to the beneficial and constructive effects for the family, "the domestic church," through the presence of sons and daughters: "Children, as living members of the family, contribute in their own way to the sanctification of their parents."¹⁷³ The council's words must also be repeated about children in relation to the local and universal church. John Gerson, a great theologian and educator of the 15th century, had already emphasized this fact in stating that "children and young people are in no way a

¹⁷² Second Vatican Council. Message to Youth (Dec. 8, 1965): AAS 58 (1966): 18.

¹⁷³ *Gaudium et Spes*. 48.

negligible part of the church.”¹⁷⁴

Older People and the Gift of Wisdom

48. I now address older people, oftentimes unjustly considered as unproductive, if not directly an insupportable burden. I remind older people that the church calls and expects them to continue to exercise their mission in the apostolic and missionary life. This is not only a possibility for them, but it is their duty even in this time in their life when age itself provides opportunities in some specific and basic way.

The Bible delights in presenting the older person as the symbol of someone rich in wisdom and fear of the Lord (cf. Sir 25:4-6). In this sense the “gift” of older people can be specifically that of being the witness to tradition in the faith both in the church and in society (cf. Ps 44:2; Ex 12:26-27), the teacher of the lessons of life (cf. Sir 6:34, 8:11-12) and the worker of charity.

At this moment the growing number of older people in different countries worldwide and the expected retirement of persons from various professions and the workplace provide older people with a new opportunity in the apostolate. Involved in the task is their determination to overcome the temptation of taking refuge in a nostalgia in a never-to-return past or fleeing from present responsibility because of difficulties encountered in a world of one novelty after another. They must always have a clear knowledge that one’s role in the church and society does not stop at a certain age at all, but at such times knows only new ways of application. As the psalmist says: “They still bring forth fruit in old age, they are ever full of sap and green, to show that the Lord is upright” (Ps 92:15-16). I repeat all that I said during the celebration of the older people’s jubilee: “Arriving at an older age is to be considered a privilege: not simply because not everyone has the good fortune to reach this stage in life, but also, and above all, because this period provides real possibilities for better evaluating the past, for knowing and living more deeply the paschal mystery, for becoming an example in the church for the whole people of God.... Despite the complex nature of the problems you face: a strength that progressively diminishes, the insufficiencies of social organizations, official legislation that comes late or the lack of understanding by a self-centered society, you are not to feel yourselves as persons underestimated in the life of the church or as passive objects in a fast-paced world, but as participants at a time of life which is humanly and spiritually fruitful. You still have a mission to fulfill, a contribution to make. According to the divine plan, each individual human being lives a life of continual growth, from the beginning of existence to the moment at

¹⁷⁴ John Gerson. *De Parvulis ad Christum Trahendis. Oeuvres Completes*, Desclée, Paris 1973, IX. 669.

which the last breath is taken.”¹⁷⁵

Women and Men

49. The synod fathers gave special attention to the status and role of women, with two purposes in mind: to themselves acknowledge and to invite all others to once again acknowledge the indispensable contribution of women to the building up of the church and the development of society. They wished as well to work on a more specific analysis of women’s participation in the life and mission of the church.

Making reference to Pope John XXIII, who saw women’s greater consciousness of their proper dignity and their entrance into public life as signs of our times,¹⁷⁶ the synod fathers, when confronted with the various forms of discrimination and marginality to which women are subjected simply because they are women, time and time again strongly affirmed the urgency to defend and to promote the personal dignity of woman and consequently, her equality with man.

If anyone has this task of advancing the dignity of women in the church and society, it is women themselves who must recognize their responsibility as leading characters. There is still much effort to be done in many parts of the world and in various surroundings to destroy that unjust and deleterious mentality which considers the human being as a thing, as an object to buy and sell, as an instrument for selfish interests or for pleasure only. Women themselves, for the most part, are the prime victims of such a mentality. Only through openly acknowledging the personal dignity of women is the first step taken to promote the full participation of women in church life as well as in social and public life. A more extensive and decisive response must be given to the demands made in the exhortation *Familiaris Consortio* concerning the many discriminations of which women are the victims: “Vigorous and incisive pastoral action must be taken by all to overcome completely these forms of discrimination so that the image of God that shines in all human beings without exception may be fully respected.”¹⁷⁷ Along the same lines, the synod fathers stated: “As an expression of her mission the church must stand firmly against all forms of discrimination and abuse of women.”¹⁷⁸ And again: “The dignity of women, gravely wounded in public esteem, must be restored through effective respect for the rights of the human person and by putting the teaching of the church into practice.”¹⁷⁹

¹⁷⁵ John Paul II, Address to a gathering of the elderly from the dioceses of Italy (March 23, 1984) *Insegnamenti*, VII, I (1984): 744.

¹⁷⁶ Cf. *Pacem in Terris*.

¹⁷⁷ *Familiaris Consortio*, 24.

¹⁷⁸ Proposition 46.

¹⁷⁹ Proposition 47.

In particular when speaking of active and responsible participation in the life and mission of the church, emphasis should be placed on what has already been stated and clearly urged by the Second Vatican Council: “Since in our days women are taking an increasingly active share in the whole life of society, it is very important that they participate more widely also in the various fields of the church’s apostolate.”¹⁸⁰

The awareness that women, with their own gifts and tasks, have their own specific vocation has increased and been deepened in the years following the council and has found its fundamental inspiration in the Gospel and the church’s history. In fact, for the believer the Gospel, namely, the word and example of Jesus Christ, remains the necessary and decisive point of reference. In no other moment in history is this fact more fruitful and innovative.

Though not called to the apostolate of the Twelve and thereby to the ministerial priesthood, many women nevertheless accompanied Jesus in his ministry and assisted the group of apostles (cf. Lk 8:2-3), were present at the foot of the cross (cf. Lk 23:49), assisted at the burial of Christ (cf. Lk 23:55), received and transmitted the message of resurrection on Easter morn (cf. Lk 24:1-10) and prayed with the apostles in the Cenacle awaiting Pentecost (cf. Acts 1:14).

From the evidence of the Gospel, the church at its origin detached herself from the culture of the time and called women to tasks connected with spreading the Gospel. In his letters the apostle Paul even cites by name a great number of women for their various functions in service of the primitive Christian community (cf. Rom 16:1-15; Phil 4:2-3; Col 4:15 and 1 Cor 11:5; 1 Tm 5:16). “If the witness of the apostles founds the church,” stated Paul VI, “the witness of women contributes greatly toward nourishing the faith of Christian communities.”¹⁸¹

Both in her earliest days and in her successive development the church, albeit in different ways and with diverse emphases, has always known women who have exercised an oftentimes decisive role in the church herself and accomplished tasks of considerable value on her behalf. History is marked by grand works, quite often lowly and hidden but not for this reason any less decisive to the growth and the holiness of the church. It is necessary that this history continue, indeed that it be expanded and intensified in the face of the growing and widespread awareness of the personal dignity of woman and her vocation particularly in light of the urgency of a “re-evangelization” and a major effort toward “humanizing” social relations.

Gathering together the pronouncements of the Second Vatican Council, which reflect the Gospel’s message and the church’s history, the synod fathers formulated, among others, this precise “recommendation”: “It is necessary that the church recognize all the gifts of men and women for her life and mission, and put them

¹⁸⁰ *Im Apostolicam Actuositatem*, 9.

¹⁸¹ Paul VI, Address to the committee for the International Women's Year (April 18, 1975): AAS 67 (1975): 266.

into practice.”¹⁸² And again, “This synod proclaims that the church seeks the recognition and use of all the gifts, experiences and talents of men and women to make her mission effective (cf. Congregation for the Doctrine of the Faith, Instruction on Christian Freedom and Liberation, 72).”¹⁸³

Anthropological and Theological Foundations

§

50. The condition that will assure the rightful presence of woman in the church and in society is a more penetrating and accurate consideration of the anthropological foundation for masculinity and femininity with the intent of clarifying woman’s personal identity in relation to man, that is, a diversity yet mutual complementarity not only as it concerns roles to be held and functions to be performed, but also, and more deeply, as it concerns her makeup and meaning as a person. The synod fathers have deeply felt this requirement, maintaining that “the anthropological and theological foundations for resolving questions about the true significance and dignity of each sex require deeper study.”¹⁸⁴

Through committing herself to a reflection on the anthropological and theological basis of femininity, the church enters the historic process of the various movements for the promotion of woman and, in going to the very basic aspect of woman as a personal being, provides her most precious contribution. But even before this the church intends in such a way to obey God, who created the individual “in his image,” “male and female he created them” (Gn 1:27) and who intended that they would accept the call of God to come to know, reverence and live his plan. It is a plan that “from the beginning” has been indelibly imprinted in the very being of the human person – men and women – and therefore in the makeup, meaning and deepest workings of the individual. This most wise and loving plan must be explored to discover all its richness of content – a richness that “from the beginning” came to be progressively manifested and realized in the whole history of salvation, and was brought to completion in “the fullness of time.” when “God sent his Son, born of a woman” (Gal 4:4). That “fullness” continues in history: God’s plan for woman is read and is to be read within the context of the faith of the church and also in the lives lived by so many Christian women today. Without forgetting the help that can come from different human sciences and cultures, researchers, because of an informed discernment, will be able to help gather and clarify the values and requirements that belong to the enduring essential aspects of women and those bound to evolve in history. The Second Vatican Council reminds us: “The church maintains that beneath all changes there are many realities which do not change; these find their ultimate foundation in Christ, who

¹⁸² Proposition 46.

¹⁸³ Proposition 47.

¹⁸⁴ Ibid.

is the same yesterday, and today, and forever (cf. Heb 13:8).”¹⁸⁵ The apostolic letter “On the Dignity and Vocation of Woman” gives much attention to the anthropological and theological foundation of woman’s dignity as a person. The document seeks to again treat and develop the catechetical reflections of the Wednesday general audiences devoted over a long period of time to the “theology of the body,” while at the same time fulfilling a promise made in the encyclical *Redemptoris Mater*¹⁸⁶ and serving as a response to the request of the synod fathers.

May the reading of the apostolic letter *Mulieris Dignitatem*, in particular, as a biblical-theological meditation, be an incentive for everyone, both women and men, and especially for those who devote their lives to the human sciences and theological disciplines, to pursue on the basis of the personal dignity of man and woman and their mutual relationship a critical study to better and more deeply understand the values and specific gifts of femininity and masculinity not only in the surroundings of social living, but also and above all in living as Christians and as members of the church.

The meditation on the anthropological and theological foundations of women ought to enlighten and guide the Christian response to the most frequently asked questions, oftentimes so crucial, on the “place” that women can have and ought to have in the church and in society.

It is quite clear from the words and attitude of Christ, which are normative for the church, that no discrimination exists on the level of an individual’s relation to Christ, in which “there is neither male nor female; for you are all one in Christ Jesus” (Gal 3:28) and on the level of participation in the church’s life of grace and holiness, as Joel’s prophecy fulfilled at Pentecost wonderfully attests: “I will pour out my spirit on all flesh; your sons and daughters shall prophecy” (Jl 3:1 ; cf. Acts 2:17ff). As the apostolic letter “On the Dignity and Vocation of Woman” reads: “Both women and men ... are equally capable of receiving the outpouring of divine truth and love in the Holy Spirit. Both receive his salvific and sanctifying ‘visits’.”¹⁸⁷

1U Gaudium et Spes, 10.

¹⁸⁶ The encyclical letter *Redemptoris Mater*, after having recalled that the “Marian dimension of the Christian life takes on a particular importance in relation to women and their status,” states, “in fact, femininity has a unique relationship with the mother of the Redeemer, a subject which can be studied in greater depth elsewhere. Here I simply wish to note that the example of Mary of Nazareth sheds light on womanhood as such by the very fact that God, in the sublime event of the incarnation of his Son, entrusted himself to the ministry, the free and active ministry of a woman. It can thus be said that women, by looking to Mary, find in her the secret of living their femininity with dignity and of achieving their own true advancement. In the light of Mary, the church sees in women the reflection of a beauty which mirrors the loftiest sentiments of which the human heart is capable: the totality of the gift of self in love; the strength that is capable of bearing the greatest sorrows; limitless fidelity and tireless devotion to work; the ability to combine penetrating intuition with words, support and encouragement” (John Paul II. encyclical letter *Redemptoris Mater*. 46: AAS 79 [1987]: 424-425).

¹⁸⁷ John Paul II. apostolic letter *Mulieris Dignitatem*, 16.

Mission in the Church and in the World

51. In speaking about participation in the apostolic mission of the church, there is no doubt that in virtue of baptism and confirmation, a woman – as well as a man – is made a sharer in the threefold mission of Jesus Christ, priest, prophet and king, and is thereby charged and given the ability to fulfill the fundamental apostolate of the church: evangelization. However, a woman is called to put to work in this apostolate the “gifts” which are properly hers: first of all, the gift that is her very dignity as a person exercised in word and testimony of life, gifts therefore, connected with her vocation as a woman.

In her participation in the life and mission of the church a woman cannot receive the sacrament of orders and therefore cannot fulfill the proper function of the ministerial priesthood. This is a practice that the church has always found in the expressed will of Christ, totally free and sovereign, who called only men to be his apostles;¹⁸⁸ a practice that can be understood from the rapport between Christ, the spouse, and his bride, the church.¹⁸⁹ Here we are in the area of function, not of dignity and holiness. In fact, it must be maintained: “Although the church possesses a ‘hierarchical’ structure, nevertheless this structure is totally ordered to the holiness of Christ’s members.”⁹⁰

However, as Paul VI has already said, “We cannot change what our Lord did nor his call to women; but we can it recognize and promote the role of women in the mission of evangelization and in the life of the Christian community.”¹

Above all, the acknowledgment in theory of the active and responsible presence of women in the church must be realized in practice. With this in mind this exhortation, addressed to the lay faithful, with its deliberate and repeated use of the terms “women and men,” must be read. Furthermore, the revised *Code of Canon Law* contains many provisions on the participation of women in the life and mission of the church: They are provisions that must be more commonly known and, according to the diverse sensibilities of culture and opportuneness in a pastoral situation, be realized with greater timeliness and determination.

An example comes to mind in the participation of women on diocesan and parochial pastoral councils as well as diocesan synods and particular councils. In this regard the synod fathers have written: “Without discrimination, women should

**" Cf. Congregation for the Doctrine of the Faith. Declaration on the question of admission of women to the ministerial priesthood *Inter Insigniores* (Oct. 15, 1976): AAS 69 (1977): 98-116.

1,9 Cf *Mulieris Dignitatem*, 26.

190 *ibid.*, 27; “the church is a differentiated body, in which each individual has a role, the tasks are distinct and must not be confused; they do not favor the superiority of one over the other nor do they provide an excuse for jealousy; the only better gift, which can and must be desired, is love (cf. I Cor 12-13) The greatest in the kingdom of heaven are not the ministers but the saints" (*Inter Insigniores* 6).

1,1 Paul VI. Speech to the committee for the International Women’s Year.

be participants in the life of (the church and also in consultation and the process of coming to decisions.”¹⁹² And again: “Women, who already hold places of great importance in transmitting the faith and offering every kind of service in the life of the church, ought to be associated in the preparation of pastoral and missionary documents and ought to be recognized as cooperators in the mission of the church in the family, in professional life and in the civil community.”¹⁹³

In the more specific area of evangelization and catechesis, the particular work that women have in the transmission of the faith not only in the family but also in the various educational environments is to be more strongly fostered. In broader terms, this should be applied in all that regards embracing the word of God, its understanding and its communication, as well as its study, research and theological teaching.

While she is to fulfill her duty to evangelize, woman is to feel more acutely her need to be evangelized. Thus, with her vision illumined by faith (cf. Eph 1:18), woman is to be able to distinguish what truly responds to her dignity as a person and to her vocation from all that, under the pretext of this “dignity” and in the name of “freedom” and “progress,” militates against true values. On the contrary, these false values become responsible for the moral degradation of the person, the environment and society. This same “discernment,” made possible and demanded from Christian women’s participation in the prophetic mission of Christ and his church, recurs with continued urgency throughout history. This “discernment,” often mentioned by the apostle Paul, is not only a matter of evaluating reality and events in the light of faith, but also involves a real decision and obligation to employ it not only in church life, but also in human society.

It can be said that the problems of today’s world already cited in the second part of the council’s constitution *Gaudium et Spes*, which remain unresolved and not at all affected by the passage of time, must witness the presence and commitment of women with their irreplaceable and customary contributions.

In particular, two great tasks entrusted to women merit the attention of everyone.

First of all, the task of bringing full dignity to the conjugal life and to motherhood. Today new possibilities are opened to women for a deeper understanding and a richer realization of human and Christian values implied in the conjugal life and the experience of motherhood. Man himself – husband and father – can be helped to overcome forms of absenteeism and of periodic presence as well as a partial fulfillment of parental responsibilities – indeed he can be involved in new and significant relations of interpersonal communion – precisely as a result of the intelligent, loving and decisive intervention of woman.

Second, women have the task of assuring the moral dimension of culture, the

¹⁹² Proposition 47.

¹⁹³ Ibid

dimension, namely, of a culture worthy of the person, of an individual yet social life. The Second Vatican Council seems to connect the moral dimension of culture with the participation of the lay faithful in the kingly mission of Christ: “Let the lay faithful by their combined efforts remedy the institutions and conditions of the world when the latter are an inducement to sin, that all such things may be conformed to the norms of justice and may favor the practice of virtue rather than hindering it. By so doing, they will infuse culture and human works with a moral value.”¹⁹⁴

As women increasingly participate more fully and responsibly in the activities of institutions which are associated with safeguarding the basic duty to human values in various communities, the words of the council just quoted point to an important field in the apostolate of women: In all aspects of the life of such communities, from the socio-economic to the socio-political dimension, the personal dignity of woman and her specific vocation ought to be respected and promoted. Likewise this should be the case in living situations not only affecting the individual but also communities, not only in forms left to personal freedom and responsibility, but even in those guaranteed by just civil laws.

“It is not good for man to be alone: Let us make him a helper fit for him” (Gn 2:18). God entrusted the human being to woman. Certainly every human being is entrusted to each and every other human being, but in a special way the human being is entrusted to woman, precisely because the woman, in virtue of her special experience of motherhood, is seen to have a specific sensitivity toward the human person and all that constitutes the individual’s true welfare, beginning with the fundamental value of life. How great are the possibilities and responsibilities of woman in this area at a time when the development of science and technology is not always inspired and measured by true wisdom, with the inevitable risk of “dehumanizing” human life, above all when it would demand a more intense love and a more generous acceptance.

The participation of women in the life of the church and society in the sharing of her gifts is likewise the path necessary for her personal fulfillment – on which so many justly insist today – and the basic contribution of woman to the enrichment of church communion and the dynamism in the apostolate of the people of God.

From this perspective the presence also of men, together with women, ought to be considered.

The Presence and Collaboration of Men Together With Women

52. Many voices were raised in the synod hall expressing the fear that excessive insistence given to the status and role of women would lead to an unacceptable omission, that, in point, regarding men. In reality, various sectors in the church

¹⁹⁴ *Lumen Gentium*, 36.

must lament the absence or the scarcity of the presence of men, some of whom abdicate their proper church responsibilities, allowing them to be fulfilled only by women. Such instances are participation in the liturgical prayer of the church, education and in particular, catechesis of their own sons and daughters and other children, presence at religious and cultural meetings, and collaboration in charitable and missionary initiatives.

Therefore, the coordinated presence of both men and women is to be pastorally urged so that the participation of the lay faithful in the salvific mission of the church might be rendered more rich, complete and harmonious.

The fundamental reason that requires and explains the presence and the collaboration of both men and women is not only, as it was just emphasized, the major source of meaning and efficacy in the pastoral action of the church nor even less is it the simple sociological fact of sharing a life together as human beings, which is natural for man and woman. It is, rather, the original plan of the Creator, who from the “beginning” willed the human being to be a “unity of the two” and willed man and woman to be the prime community of persons, source of every other community and at the same time to be a “sign” of that interpersonal communion of love which constitutes the mystical, intimate life of God, Three in One.

Precisely for this reason, the most common and widespread way, and at the same time fundamental way, to assure this coordinated and harmonious presence of men and women in the life and mission of the church, is the fulfillment of the tasks and responsibilities of the couple and the Christian family, in which the variety of diverse forms of life and love is seen and communicated: conjugal, paternal and maternal, filial and familial. We read in the exhortation *Familiaris Consortio*: “Since the Christian family is a community in which the relationships are renewed by Christ through faith and the sacraments, the family’s sharing in the church’s mission should follow a community pattern: The spouses together as a couple, the parents and children as a family, must live their service to the church and to the world.... The Christian family also builds up the kingdom of God in history through the everyday realities that concern and distinguish its state of life: It is thus in the love between husband and wife and between members of the family – a love lived out in all its extraordinary richness of values and demands: totality, oneness, fidelity and fruitfulness – that the Christian family’s participation in the prophetic, priestly and kingly mission of Jesus Christ and of his church finds expression and realization.”¹⁹⁵

From this perspective, the synod fathers have recalled the meaning that the sacrament of matrimony ought to assume in the church and society in order to illuminate and inspire all the relations between men and women. In this regard they have emphasized an “urgent need for every Christian to live and proclaim the

message of hope contained in the relation between man and woman. The sacrament of matrimony, which consecrates this relation in its conjugal form and reveals it as a sign of the relation of Christ with his church, contains a teaching of great importance for the church's life – a teaching that ought to reach today's world through the church; all those relations between man and woman must be imbued by this spirit. The church should even more fully rely on the riches found here.”¹⁹⁶ These same fathers have rightly emphasized that “the esteem for virginity and reverence for motherhood must be respectively restored,”¹⁹⁷ and still again they have called for the development of diverse and complementary vocations in the living context of church communion and in the service of its continued growth.

The Sick and the Suffering

53. People are called to joy. Nevertheless, each day they experience many forms of suffering and pain. The synod fathers, in addressing men and women affected by those various forms of suffering and pain, used the following words in their final message: “You who are the abandoned and pushed to the edges of our consumer society; you who are sick, people with disabilities, the poor and hungry, migrants and prisoners, refugees, unemployed, abandoned children and old people who feel alone; you who are victims of war and all kinds of violence: The church reminds you that she shares your suffering. She takes it to the Lord, who in turn associates you with his redeeming passion. You are brought to life in the light of his resurrection. We need you to teach the whole world what love is. We will do everything we can so that you may find your rightful place in the church and in society.”¹⁹⁸

In the context of such a limitless world as human suffering, we now turn our attention to all those struck down by sickness in its various forms: Sickness is indeed the most frequent and common expression of human suffering.

The Lord addresses his call to each and everyone. Even the sick are sent forth as laborers into the Lord's vineyard; the weight that wearies the body's members and dissipates the soul's serenity is far from dispensing a person from working in the vineyard. Instead the sick are called to live their human and Christian vocation and to participate in the growth of the kingdom of God in a new and even more valuable manner. The words of the apostle Paul ought to become their approach to life or, better yet, cast an illumination to permit them to see the meaning of grace in their very situation: “In my flesh I complete what is lacking in Christ's afflictions for the sake of his body, that is, the church” (Col 1:24). Precisely in arriving at this realization, the apostle is raised up in joy: “I rejoice in my sufferings

** Proposition 46.

¹⁹⁷ Proposition 47.

¹⁹⁸ The 1987 Synod of Bishops. Message to the People of God, 12

for your sake” (Col 1:24). In the same way many of the sick can become bearers of the “joy inspired by the Holy Spirit in much affliction” (1 Thes 1:6) and witnesses to Jesus’ resurrection. A handicapped person expressed these sentiments in a presentation in the synod hall: “It is very important to make clear that Christians who live in situations of illness, pain and old age are called by God not only to unite their suffering to Christ’s passion, but also to receive in themselves now and to transmit to others the power of renewal and the joy of the risen Christ (cf. 2 Cor 4:10-11; 1 Pt 4:13; Rom 8:18ff).”¹⁹⁹

On the church’s part – as it reads in the apostolic letter *Salvifici Doloris* – “born in the mystery of redemption in the cross of Christ, the church has to try to meet man in a special way on the path of suffering. In this meeting man ‘becomes the way for the church,’ and this is one of the most important ways.”²⁰⁰ At this moment the suffering individual is the way of the church because that person is, first of all, the way of Christ himself, who is the good Samaritan who “does not pass by,” but “has compassion on him, went to him... bound up his wounds ... took care of him” (Lk 10:32-34). From century to century the Christian community, in revealing and communicating its healing love and the consolation of Jesus Christ, has reenacted the Gospel parable of the good Samaritan in caring for the vast multitude of persons who are sick and suffering. This came about through the untiring commitment of all those who have taken care of the sick and suffering as a result of science and the medical arts as well as the skilled and generous service of health-care workers. Today there is an increase in the presence of lay women and men in Catholic hospital and health-care institutions. At times the lay faithful’s presence in these institutions is total and exclusive. It is to just such people – doctors, nurses, other health-care workers, volunteers – that the call becomes the living sign of Jesus Christ and his church in showing love toward the sick and suffering.

Renewed Pastoral Action

54. It is necessary that this most precious heritage, which the church has received from Jesus Christ, “physician of the body and the spirit,”²⁰¹ must never diminish but always must come to be more valued and enriched through renewal and decisive initiatives of pastoral activity for and with the sick and suffering. This activity must be capable of sustaining and fostering attention, nearness, presence, listening, dialogue, sharing and real help toward individuals in moments when sickness and suffering sorely test not only faith in life but also faith in God and his love as Father.

¹⁹⁹ Proposition 53.

²⁰⁰ John Paul II, apostolic letter *Salvifici Doloris*. 3: AAS 76 (1984): 203.

²⁰¹ St Ignatius of Antioch. *Ad Ephesios*, VII, 2: S.Ch. 10,64.

One of the basic objectives of this renewed and intensified pastoral action, which must involve all components of the ecclesial community in a coordinated way, is an attitude which looks upon the sick person, the bearer of a handicap or the suffering individual not simply as an object of the church's love and service, but as an active and responsible participant in the work of evangelization and salvation. From this perspective the church has to let the good news resound within a society and culture which, having lost the sense of human suffering, "censors" all talk on such a hard reality of life. The good news is the proclamation that suffering can even have a positive meaning for the individual and for society itself, since each person is called to a form of participation in the salvific suffering of Christ and in the joy of resurrection as well as, thereby, to become a force for the sanctification and building up of the church.

The proclamation of this good news gains credibility when it is not simply voiced in words, but passes into a testimony of life, both in the case of all those who lovingly care for the sick, the handicapped and the suffering as well as the suffering themselves, who are increasingly made more conscious and responsible of their place and task within and on behalf of the church.

In order that "the civilization of love" can flourish and produce fruit in this vast world of human pain, I invite all to reread and meditate on the apostolic letter *Salvifici Doloris*, from which I am pleased to again propose the lines from its conclusion: "There should come together in spirit beneath the cross of Calvary all suffering people who believe in Christ and particularly those who suffer because of their faith in him who is the crucified and risen One, so that the offering of their sufferings may hasten the fulfillment of the prayer of the Savior himself that all may be one. Let there also gather beneath the cross all people of good will, for on this cross is the "Redeemer of man," the Man of sorrows, who has taken upon himself the physical and moral sufferings of the people of all times so that in love they may find the salvific meaning of their sorrow and valid answers to all their questions.

"Together with Mary, mother of Christ, who stood beneath the cross, we pause beside all the crosses of contemporary man and we ask all of you who suffer to support us. We ask precisely you who are weak to become a source of strength for the church and humanity. In the terrible battle between the forces of good and evil revealed to our eyes by our modern world, may your sufferings in union with the cross of Christ be victorious,"²⁰²

The States of Life and Vocations

55. All the members of the people of God – clergy, men and women religious, the lay faithful – are laborers in the vineyard. At one and the same time they all are

the goal and subjects of church communion as well as of participation in the mission of salvation. Every one of us possessing charisms and ministries, diverse yet complementary, works in the one and the same vineyard of the Lord.

Simply in being Christians, even before actually doing the works of a Christian, all are branches of the one fruitful vine which is Christ. All are living members of the one body of the Lord built up through the power of the Spirit. The significance of “being” a Christian does not come about simply from the life of grace and holiness, which is the primary and more productive source of the apostolic and missionary fruitfulness of holy mother church. Its meaning also arises from the state of life that characterizes the clergy, men and women religious, members of secular institutes and the lay faithful.

In church communion the states of life, by being ordered one to the other, are thus bound together among themselves. They all share in a deeply basic meaning: that of being the manner of living out the commonly shared Christian dignity and the universal call to holiness in the perfection of love. They are different yet complementary, in the sense that each of them has a basic and unmistakable character which sets each apart, while at the same time each of them is seen in relation to the other and placed at each other’s service.

Thus the lay state of life has its distinctive feature in its secular character. It fulfills an ecclesial service in bearing witness and, in its own way, recalling for priests, women and men religious, the significance of the earthly and temporal realities in the salvific plan of God. In turn, the ministerial priesthood represents in different times and places the permanent guarantee of the sacramental presence of Christ, the Redeemer. The religious state bears witness to the eschatological character of the church, that is, the straining toward the kingdom of God that is prefigured and in some way anticipated and experienced even now through the vows of chastity, poverty and obedience.

All the states of life, whether taken collectively or individually in relation to the others, are at the service of the church’s growth. While different in expression, they are deeply united in the church’s “mystery of communion” and are dynamically coordinated in its unique mission.

Thus in the diversity of the states of life and the variety of vocations this same unique mystery of the church reveals and experiences anew the infinite richness of the mystery of Jesus Christ. The fathers were fond of referring to the church as a field of a pleasing and wonderful variety of herbs, plants, flowers and fruits. St. Ambrose writes: “A field produces many fruits, but the one which has an abundance of both fruits and flowers is far better. The field of holy church is fruitful in both one and the other. In this field there are the priceless buds of virginity blossoming forth, widowhood stands out boldly as the forest in the plain; elsewhere the rich harvest of weddings blessed by the church fills the great granary of the world with abundant produce, and the wine presses of the Lord Jesus

overflow with the grapes of a productive vine, enriches Christian marriages.”²⁰²

The Various Vocations in the Lay State

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56. The church’s rich variety is manifested still further from within each state of life. Thus within the lay state diverse “vocations” are given, that is, there are different paths in the spiritual life and the apostolate which are taken by individual members of the lay faithful. In the field of a “commonly shared” lay vocation, “special” lay vocations flourish. In this area we can also recall the spiritual experience of the flourishing of diverse forms of secular institutes that have developed recently in the church. These offer the lay faithful, and even priests, the possibility of professing the evangelical counsels of poverty, chastity and obedience through vows or promises while fully maintaining one’s lay or clerical slate.²⁰³ In this regard the synod fathers have commented, “The Holy Spirit stirs up other forms of self-giving to which people who remain fully in the lay state devote themselves.”²⁰⁵

We can conclude by reading a beautiful passage taken from St. Francis de Sales, who promoted lay spirituality so well.²⁰⁶ In speaking of “devotion,” that is, Christian perfection or “life according to the Spirit,” he presents in a simple yet insightful way the vocation of all Christians to holiness while emphasizing the specific form with which individual Christians fulfill it: “In creation God commanded the plants to bring forth their fruits, each one after its kind. So does he command all Christians, who are the living plants of his church, to bring forth the fruits of devotion, each according to his character and vocation. Devotion must be exercised in different ways by the gentleman, the workman, the servant, the prince, the widow, the maid and the married woman. Not only this, but the practice of devotion must also be adapted to the strength, the employment and the duties of each one in particular.... It is an error, or rather a heresy, to try to banish the devout life from the regiment of soldiers, the shop of the mechanic, the court of princes or the home of married folk. It is true, Philothea, that a purely contemplative monastic and religious devotion cannot be exercised in such ways of life. But besides these three kinds of devotion, there are several others adapted to bring to perfection those who live in the secular state.”²⁰⁷

²⁰² St. Ambrose, *De Virginitate*, VI, 34: PL 16, 288; cf. St. Augustine, *Senna CCCIV*, HI. 2: PL 38, 1396.

²⁰¹ Cf. Pius XII, apostolic constitution *Provida Mater* (Feb. 2, 1947): AAS 39 (1947): 114-124; Canon 573.

w Proposition 6.

²⁰⁶ Cf Paul VI, apostolic letter *Sabaudiae Gemma* (Jan. 29, 1967): AAS 59 (1967): 113-123.

m St. Francis de Sales, *Introduction a la vie devote*, I. III: *Oeuvres Completes*, Monastère de la visitation, Annecy 1983, III, 19-21.

Along the same line the Second Vatican Council states: “This lay spirituality should take its particular character from the circumstances of one’s state in life (married and family life, celibacy, widowhood), from one’s state of health and from one’s professional and social activity. All should not cease to develop earnestly the qualities and talents bestowed on them in accord with these conditions of life and should make use of the gifts which they have received from the Holy Spirit.”²⁰⁸

What has been said about the spiritual vocation can also be said – and to a certain degree with greater reason – of the infinite number of ways through which all members of the church are employed as laborers in the vineyard of the Lord, building up the mystical body of Christ. Indeed as a person with a truly unique life story, each is called by name to make a special contribution to the coming of the kingdom of God. No talent, no matter how small, is to be hidden or left unused (cf. Mt 25:24-27).

In this regard the apostle Peter gives us a stern warning: “As each has received a gift, employ it for one another as good stewards of God’s varied grace” (1 Pt 4:10).

V. THAT YOU BEAR MUCH FRUIT

The Formation of the Lay Faithful

A Continual Process of Maturation

57. The Gospel image of the vine and the branches reveals to us another fundamental aspect of the lay faithful’s life and mission: the call to growth and a continual process of maturation, of always bearing much fruit.

As a diligent vinedresser, the Father takes care of his vine. God’s solicitude is so ardently called upon by Israel, that she prays: “Turn again, O God of hosts! Look down from heaven, and see; have regard for this vine, the stock which your right hand has planted” (Ps 80:15-16). Jesus himself speaks of the Father’s work: “I am the true vine, and my Father is the vinedresser. Every branch of mine that bears no fruit, he takes away, and every branch that does bear fruit, he prunes that it may bear more fruit” (Jn 15:1-2).

The vitality of the branches depends on their remaining attached to the vine, which is Jesus Christ: “He who abides in me and I in him bears much fruit, for apart from me you can do nothing” (Jn 15:5).

People are approached in liberty by God, who calls everyone to grow, develop and bear fruit. A person cannot put off a response nor cast off personal responsibility in the matter. The solemn words of Jesus refer to this exalted and serious responsibility: “If a man does not abide in me, he is cast forth as a branch and

withers; and the branches are gathered, thrown into the fire and burned" (Jn 15:6).

In this dialogue between God, who offers his gifts, and the person, who is called to exercise responsibility, there comes the possibility, indeed the necessity, of a total and ongoing formation of the lay faithful as the synod fathers have rightly emphasized in much of their work. After having described Christian formation as "a continual process in the individual of maturation in faith and a likening to Christ, according to the will of the Father, under the guidance of the Holy Spirit," they have clearly affirmed that the formation of the lay faithful must be placed among the priorities of a diocese. It ought to be so placed within the plan of pastoral action that the efforts of the whole community (clergy, lay faithful and religious) converge on this goal."²⁰⁹

To Discover and Live One's Vocation and Mission

58. The fundamental objective of the formation of the lay faithful is an ever-clearer discovery of one's vocation and the ever-greater willingness to live it so as to fulfill one's mission.

God calls me and sends me forth as a laborer in his vineyard. He calls me and sends me forth to work for the coming of his kingdom in history. This personal vocation and mission define the dignity and the responsibility of each member of the lay faithful and makes up the focal point of the whole work of formation, whose purpose is the joyous and grateful recognition of this dignity and the faithful and generous living out of this responsibility.

In fact, from eternity God has thought of us and has loved us as unique individuals. Every one of us he called by name, as the good shepherd "calls his sheep by name" (Jn 10:3). However, only in the unfolding of the history of our lives and its events is the eternal plan of God revealed to each of us. Therefore it is a gradual process; in a certain sense, one that happens day by day.

To be able to discover the actual will of the Lord in our lives always involves the following: a receptive listening to the word of God and the church, fervent and constant prayer, recourse to a wise and loving spiritual guide, and a faithful discernment of the gifts and talents given by God as well as the diverse social and historic situations in which one lives.

Therefore, in the life of each member of the lay faithful there are particularly significant and decisive moments for discerning God's call and embracing the mission entrusted by him. Among these are the periods of adolescence and young adulthood. No one must forget that the Lord, as the master of the laborers in the vineyard, calls at every hour of life so as to make his holy will more precisely and explicitly known. Therefore, the fundamental and continuous attitude of the

disciple should be one of vigilance and a conscious attentiveness to the voice of God.

It is not a question of simply knowing what God wants from each of us in the various situations of life. The individual must do what God wants, as we are reminded in the words that Mary, the mother of Jesus, addressed to the servants at Cana: “Do whatever he tells you” (Jn 2:5). However, to act in fidelity to God’s will requires a capability for acting and the developing of that capability. We can rest assured that this is possible through the free and responsible collaboration of each of us with the grace of the Lord, which is never lacking. St. Leo the Great says: “The one who confers the dignity will give the strength!”²¹⁰

This, then, is the marvelous yet demanding task awaiting all the lay faithful and all Christians at every moment: to grow always in the knowledge of the richness of baptism and faith as well as to live it more fully. In referring to birth and growth as two stages in the Christian life, the apostle Peter makes the following exhortation: “Like newborn babes, long for the pure spiritual milk that by it you may grow up to salvation” (1 Pt 2:2).

A Total Integrated Formation for Living an Integrated Life

59. In discovering and living their proper vocation and mission, the lay faithful must be formed according to the union which exists from their being members of the church and citizens of human society.

There cannot be two parallel lives in their existence: on the one hand, the so-called “spiritual” life, with its values and demands; and on the other, the so-called “secular” life, that is, life in a family, at work, in social relationships, in the responsibilities of public life and in culture. The branch, engrafted to the vine which is Christ, bears its fruit in every sphere of existence and activity. In fact, every area of the lay faithful’s lives, as different as they are, enters into the plan of God, who desires that these very areas be the “places in time” where the love of Christ is revealed and realized for both the glory of the Father and service of others. Every activity, every situation, every precise responsibility – as, for example, skill and solidarity in work, love and dedication in the family and the education of children, service to society and public life and the promotion of truth in the area of culture – are the occasions ordained by providence for a “continuous exercise of faith, hope and charity.”²¹¹

The Second Vatican Council has invited all the lay faithful to this unity of life by forcefully decrying the grave consequences in separating faith from life and the Gospel from culture: “The council exhorts Christians, as citizens of one city and the other, to strive to perform their earthly duties faithfully in response to the spirit

²¹⁰ *Dabit virtutem, qui contulit dignitatem*. (St. Leo the Great, Scrm. 11,1 S.Ch. 200, 248).

Apostolicam Actuositatem. 4.

of the Gospel. They are mistaken who, knowing that we have here no abiding city but seek one which is to come, think that they may therefore shirk their earthly responsibilities; for they are forgetting that by faith itself they are more than ever obliged to measure up to these duties, each according to one's vocation... This split between the faith which many profess and their daily lives deserves to be counted among the more serious errors of our age.”²¹² Therefore, I have maintained that a faith that does not affect a person's culture is a faith “not fully embraced, not entirely thought out, not faithfully lived.”²¹³

Various Aspects of Formation

60. The many interrelated aspects of a totally integrated formation of the lay faithful are situated within this unity of life.

There is no doubt that spiritual formation ought to occupy a privileged place in a person's life. Everyone is called to grow continually in intimate union with Jesus Christ, in conformity to the Father's will, in devotion to others in charity and justice. The council writes: “This life of intimate union with Christ in the church is nourished by spiritual helps available to all the faithful, especially by active participation in the liturgy. Lay people should make use of these helps in such a way that, while properly fulfilling their secular duties in the ordinary conditions of life, they do not dissociate union with Christ from that life, but through the very performance of their tasks according to God's will, may they actually grow in it.”²¹⁴

The situation today points to an ever-increasing urgency for a doctrinal formation of the lay faithful, not simply in a better understanding which is natural to faith's dynamism but also in enabling them to “give a reason for their hoping” in view of the world and its grave and complex problems. Therefore, a systematic approach to catechesis, geared to age and the diverse situations of life, is an absolute necessity as is a more decided Christian promotion of culture in response to the perennial yet always new questions that concern individuals and society today.

This is especially true for the lay faithful who have responsibilities in various fields of society and public life. Above all, it is indispensable that they have a more exact knowledge – and this demands a more widespread and precise presentation – of the church's social doctrine, as repeatedly stressed by the synod fathers in their presentations. They refer to the participation of the lay faithful in

¹² *Gaudium et Spes*, 43; cr. also *Ad Genies*, 21 ; *Evangelii Nuntiandi*, 20.

²¹³ John Paul II, Speech to national congress of church movements of cultural responsibility (MEIC) (Jan. 16, 1982), 2: *Insegnamenti*, V, 1 (1982): 131; also letter to Cardinal Agostino Casaroli, secretary of state, establishing the Pontifical Council for Culture (May 20, 1982): AAS 74 (1982): 685; Speech to the community of the University of Louvain (May 20, 1985), 2: *Insegnamenti*, VIII, 1 (1985): 1591.

²¹⁴ *Apostolicam Actuositatem*, 4.

public life in the following words: “But for the lay faithful to take up actively this noble purpose in political matters, it is not enough to exhort them. They must be offered a proper formation of a social conscience, especially in the church’s social teaching, which contains principles of reflection, criteria for judging and practical directives (cf. Congregation for the Doctrine of the Faith, *Instruction on Christian Freedom and Liberation*, 72) and which must be present in general catechetical instruction and in specialized gatherings as well as in schools and universities. Nevertheless, this social doctrine of the church is dynamic; that is, adapted to circumstances of time and place. It is the right and duty of pastors to propose moral principles even concerning the social order and of all Christians to apply them in defense of human rights.... Nevertheless, active participation in political parties is reserved to the lay faithful.”²¹⁵

The cultivation of human values finds a place in the context of a totally integrated formation, bearing a particular significance for the missionary and apostolic activities of the lay faithful. In this regard the council wrote: “(The lay faithful) should also hold in high esteem professional skill, family and civic spirit, and the values related to social behavior, namely, honesty, a spirit of justice, sincerity, courtesy, moral courage; without them there is no true Christian life.”²¹⁶

In bringing their lives into an organic synthesis, which is, at one and the same time, the manifestation of the unity of “who they are” in the church and society as well as the condition for the effective fulfillment of their mission, the lay faithful are to be guided interiorly and sustained by the Holy Spirit, who is the Spirit of unity and fullness of life.

Collaborators With God the Teacher

61. Where are the lay faithful formed? What are the means of their formation? Who are the persons and the communities called upon to assume the task of a totally integrated formation of the lay faithful?

Just as the work of human education is intimately connected with fatherhood and motherhood, so Christian formation finds its origin and its strength in God the Father, who loves and educates his children. Yes, God is the first and great teacher of his people, as it states in the striking passage of the Song of Moses: “He found him in a desert land and in the howling waste of the wilderness; he encircled him, he cared for him. he kept him as the apple of his eye. Like an eagle that stirs up its nest, that flutters over its young, spreading out its wings, catching them, bearing them on its pinions, the Lord alone did lead him, and there was no foreign God with him” (Dt 32; 10-12, cf. 8:5).

God's work in forming his people is revealed and fulfilled in Jesus Christ the

²¹⁵ Proposition 22; cf. *Sollicitudo Rei Socialis*, 4L
Apostolicam Actuositatem. 4.

teacher, and reaches to the depths of every individual's heart as a result of the living presence of the Spirit. Mother church is called to take part in the divine work of formation, both through a sharing of her very life and through her various pronouncements and actions. It is thus that the lay faithful are formed by the church and in the church in a mutual communion and collaboration of all her members: clergy, religious and lay faithful. Thus the whole ecclesial community, in its diverse members, receives the fruitfulness of the Spirit and actively cooperates toward that end. With this in mind Methodius of Olympos wrote: "Those not yet perfected are carried and formed by those more perfect, as in the womb of a mother, until the time they are generated and brought forth for the greatness and beauty of virtue."²¹⁷ This happened with St. Paul, who was carried and brought forth in the church by those who were perfected (in the person of Ananias) and, then Paul in his turn, became perfected and fruitful in bringing forth many children.

First of all the church is a teacher, in which the pope takes the "primary" role in the formation of the lay faithful. As successor of St. Peter, he has the ministry of "confirming his brothers in the faith," instructing all believers in the essential content of vocation and mission in light of the Christian faith and membership in the church. Therefore, not simply the words coming directly from him, but also those transmitted by the various departments of the Holy See call for a loving and receptive hearing by the lay faithful.

The one and universal church is present in various parts of the world in and through the particular churches. In each of them the bishop in his person has a responsibility toward the lay faithful in forming the animation and guidance of their Christian life through the proclamation of the word and the celebration of the Eucharist and the sacraments.

Situated and at work within the particular church or diocese is the parish, which has the essential task of a more personal and immediate formation of the lay faithful. In fact, because it is in the position to reach more easily individual persons and singular groups, the parish is called to instruct its members in hearing God's word, in liturgical and personal dialogue with God, in the life of fraternal charity, and in allowing a more direct and concrete perception of the sense of ecclesial communion and responsibility in the church's mission.

Internal to the parish, especially if vast and territorially extensive, small church communities, where present, can be a notable help in the formation of Christians by providing a consciousness and an experience of ecclesial communion and mission which are more extensive and incisive. The synod fathers have said that a post-baptismal catechesis in the form of a catechumenate can also be helpful by presenting again some elements from the Rite of Christian Initiation of Adults with the purpose of allowing a person to grasp and live the immense, extraordinary

richness and responsibility received at baptism.²¹⁶

In the formation that the lay faithful receive from their diocese and parish, especially concerning communion and mission, the help that diverse members of the church can give to each other is particularly important. This mutual help also aids in revealing the mystery of the church as mother and teacher. Priests and religious ought to assist the lay faithful in their formation. In this regard the synod fathers have invited priests and candidates for orders to “be prepared carefully so that they are ready to foster the vocation and mission of the lay faithful.”²¹⁹ In turn, the lay faithful themselves can and should help priests and religious in the course of their spiritual and pastoral journey.

Other Places for Formation

62. The Christian family, as the “domestic church,” also makes up a natural and fundamental school for formation in the faith: Father and mother receive from the sacrament of matrimony the grace and the ministry of the Christian education of their children, before whom they bear witness and to whom they transmit both human and religious values. While learning their first words, children learn also the praise of God, whom they feel is near them as a loving and providential Father; while learning the first acts of love, children also learn to open themselves to others, and through the gift of self receive the sense of living as a human being. The daily life itself of a truly Christian family makes up the first “experience of church,” intended to find confirmation and development in an active and responsible process of the children’s introduction into the wider ecclesial community and civil society. The more that Christian spouses and parents grow in the awareness that their “domestic church” participates in the life and mission of the universal church, so much the more will their sons and daughters be able to be formed in a “sense of the church” and will perceive all the beauty of dedicating their energies to the service of the kingdom of God.

Schools and Catholic universities, as well as centers of spiritual renewal which are becoming ever more widespread in these days, are also important places for formation. In the present social and historical context, which is marked by an extensively deep cultural involvement, the synod fathers have emphasized that parents’ participation in school life – besides being always necessary and without substitution – is no longer enough. What is needed is to prepare the lay faithful to dedicate themselves to the work of rearing their children as a true and proper part of church mission. What is needed is to constitute and develop this “formation community,” which is together comprised of parents, teachers, clergy, women and men religious and representatives of youth. In order that the school can suitably

^{21*} Cf. Proposition 11.

^{***} Proposition 40.

fulfill its natural function in formation, the lay faithful ought to feel charged to demand from everyone and for everyone a true freedom in education, even through opportune civil legislation.²²⁰

The synod fathers expressed words of esteem and encouragement to all those lay faithful, both women and men, who with a civic and Christian spirit fulfill a task which is involved in the education of children, both in schools and institutes of formation. In addition, they have emphasized the urgent need in various schools, whether Catholic or not, for teachers and professors among the lay faithful to be true witnesses of the Gospel through their example of life, their professional competence and uprightness, their Christian-inspired teaching, preserving always – as is obvious – the autonomy of various sciences and disciplines. It is of singular importance that scientific and technological research done by the faithful be correct from the standpoint of service to an individual in the totality of the context of one's values and needs: To these lay faithful the church entrusts the task of allowing all to better understand the intimate bond that exists between faith and science, between the Gospel and human culture.²²¹

“This synod” – we read in the proposition – “appeals to the prophetic task of Catholic schools and universities and praises teachers and professors, now lay people for the most part, for their dedication to maintaining institutes of Catholic education that can form men and women in whom the new commandment is enfleshed. The simultaneous presence of clergy, the lay faithful, and men and women religious offers students a vivid image of the church and makes recognition of its riches easier (cf. Congregation for Catholic Education, “Lay Catholics in Schools: Witnesses to Faith”).”²²²

Groups, associations and movements also have their place in the formation of the lay faithful. In fact they have the possibility, each with its own method, of offering a formation through a deeply shared experience in the apostolic life as well as having the opportunity to integrate, to make concrete and specific the formation that their members receive from other persons and communities.

The Reciprocal Formation Received and Given by All

63. Formation is not the privilege of a few, but a right and duty of all. In this regard the synod fathers have said: “Possibilities of formation should be proposed to all, especially the poor, who can also be a source of formation for all”; and they added: “Suitable means to help each person fulfill a full, human and Christian vocation should be applied to formation.”²²³

²²⁰Cf. Proposition 44.

Cf. Proposition 45.

²²¹ Proposition 44.

Proposition 41.

For the purpose of a truly incisive and effective pastoral activity, the formation of those who will form others is to be developed through appropriate courses or suitable schools. Forming those who in turn will be given the responsibility for the formation of the lay faithful constitutes a basic requirement of assuring the general and widespread formation of all the lay faithful.

According to the explicit invitation of the synod fathers, special attention ought to be devoted to the local culture in the work of formation: “The formation of Christians will take the greatest account of local human culture, which contributes to formation itself, and will help to discern the value, whether implanted in tradition or proposed in modern affairs. Attention should be paid to diverse cultures which can exist in one and the same people or nation at the same time. The church, the mother and teacher of peoples, should strive to safeguard, where the need exists, the culture of a less numerous people living in large nations when the situation exists.”⁴

In the work of formation some convictions reveal themselves as particularly necessary and fruitful. First of all, there is the conviction that one cannot offer a true and effective formation to others if the individual has not taken on or developed a personal responsibility for formation: This, in fact, is essentially a “formation of self.”

In addition, there is the conviction that at one and the same time each of us is the goal and principle of formation: The more we are formed and the more we feel the need to pursue and deepen our formation, still more will we be formed and be rendered capable of forming others.

It is particularly important to know that the work of formation, while having intelligent recourse to the means and methods available from human science, is made more effective the more it is open to the action of God. Only the branch which does not fear being pruned by the heavenly vinedresser can bear much fruit for the individual and for others.

An Appeal And a Prayer

64. At the conclusion of this post-synodal document I once again put forward the invitation of “the householder” proposed in the Gospel: You go into my vineyard too. It can be said that the significance of the synod on the vocation and mission of the lay faithful might very well consist in this call of the Lord, which he addresses to everyone, yet in a particular way to the lay faithful, both women and men.

The happenings at the synod have been a great spiritual experience for all the participants. The experience has been that of a church under the light and the power of the Spirit, intent on discerning and embracing the renewed call of her

Lord so that she can again propose to today's world the mystery of her communion and the dynamism of her mission of salvation, especially by centering on the specific place and role of the lay faithful. This exhortation, then, intends to urge the most abundant possible fruitfulness from this synod in every part of the church worldwide. This will come about as a result of an effective hearkening to the Lord's call by the entire people of God, in particular, by the lay faithful.

Therefore I make a strong appeal to one and all, pastors and faithful, never to become tired of maintaining – indeed always taking an active part to fix deeply in one's mind, heart and life – an ecclesial consciousness, which is ever mindful of what it means to be members of the church of Jesus Christ, participants in her mystery of communion and in her dynamism in mission and the apostolate.

It is of particular importance that all Christians be aware that through baptism they have received an extraordinary dignity: Through grace we are called to be children loved by the Father, members incorporated in Christ and his church, living and holy temples of the Spirit. With deep emotion and gratitude, we again hear the words of John the Evangelist: "See what love the Father has given us, that we should be called children of God; and so we are" (1 Jn 3:1).

While this "Christian newness of life" given to the members of the church constitutes for all the basis of their participation in the priestly, prophetic and kingly mission of Christ and of their vocation to holiness in love, it receives expression and is fulfilled in the lay faithful through the "secular character" which is "uniquely and properly" theirs.

Besides imparting an awareness of a commonly shared Christian dignity, an ecclesial consciousness brings a sense of belonging to the mystery of the church as communion. This is a basic and undeniable aspect of the life and mission of the church. For one and all the earnest prayer of Jesus at the Last Supper, "That all may be one" (Jn 17:21), ought to become daily a required and undeniable program of life and action.

A real sense of church communion, the gift of the Spirit that urges our free and generous response, will bring forth as its precious fruit in the "one and catholic" church the continuing value of the rich variety of vocations and conditions of life, charisms, ministries, works and responsibilities as well as a more demonstrable and decisive collaboration of groups, associations and movements of the lay faithful in keeping with the accomplishment of the commonly shared salvific mission of the church herself. This communion is already in itself the first great sign in the world of the presence of Christ, the Savior. At the same time, it promotes and stimulates the proper apostolic and missionary action of the church.

The whole church, pastors and lay faithful alike, standing on the threshold of the third millennium, ought to feel more strongly the church's responsibility to obey the command of Christ, "Go into all the world and preach the Gospel to the whole creation" (Mk 16:15) and take up anew the missionary endeavor. A great venture, both challenging and wonderful, is entrusted to the church – that of a re-

evangelization, which is so much needed by the present world. The lay faithful ought to regard themselves as an active and responsible part of this venture, called as they are to proclaim and to live the Gospel in service to the person and to society while respecting the totality of the values and needs of both.

Since the Synod of Bishops was celebrated last October during the Marian year, its work was entrusted in a very special way to the intercession of the most Blessed Virgin Mary, mother of the Redeemer. I too entrust the spiritual fruitfulness of the synod to her prayerful intercession. Therefore, along with the synod fathers, the lay faithful present at the synod and all the other members of the people of God, I have recourse at the end of this post-synodal document to the Virgin Mary. At this moment this appeal becomes a prayer:

O most Blessed Virgin Mary, Mother of Christ and Mother of the Church, With joy and wonder we seek to make our own your Magnificat, joining you in your hymn of thankfulness and love.

With you we give thanks to God, “whose mercy is from generation to generation,” for the exalted vocation and the many forms of mission entrusted to the lay faithful.

God has called each of them by name to live his own communion of love and holiness and to be one in the great family of God’s children. He has sent them forth to shine with the light of Christ and to communicate the fire of the Spirit in every part of society through their life inspired by the Gospel.

O Virgin of the Magnificat, fill their hearts with a gratitude and enthusiasm for this vocation and mission.

With humility and magnanimity you were the “handmaid of the Lord”; give us your unreserved willingness for service to God and the salvation of the world. Open our hearts to the great anticipation of the kingdom of God and of the proclamation of the Gospel to the whole of creation. Your mother’s heart is ever mindful of the many dangers and evils which threaten to overpower men and women in our time.

At the same time your heart also takes notice of the many initiatives undertaken for good, the great yearning for values, and the progress achieved in bringing forth the abundant fruits of salvation.

O Virgin full of courage, may your spiritual strength and trust in God inspire us, so that we might know how to overcome all the obstacles that we encounter in accomplishing our mission. Teach us to treat the affairs of the world with a real sense of Christian responsibility and a joyful hope of the coming of God’s kingdom, and of a “new heavens and a new earth.”

You who were gathered in prayer with the apostles in the Cenacle, a waiting the coming of the Spirit at Pentecost, implore his renewed outpouring on all the faithful, men and women alike, so that they might more fully respond to their vocation and mission, as branches engrafted to the true vine, called to bear much fruit for the life of the world.

O Virgin Mother, guide and sustain us so that we might always live as true sons and daughters of the church of your Son. Enable us to do our part in helping to establish on earth the civilization of truth and love, as God wills it, for his glory. Amen.

Given at Rome, in St. Peter's, Dec. 30, the feast of the Holy Family of Jesus, Mary and Joseph, in the year 1988, the 11th of my pontificate.

John Paul II, ap. exhort, the Laity *Christifideles Laici*, December 30, 1988. *Origins* 18 (1989): 561,563-595.

CANON 226

Parents' Rights in their Children's Catechesis. Private.

Letter from Pontifical Commission for the Family, April 12, 1988:

I am in receipt of your letter of March 9th, together with its enclosed documentation.

I hasten to inform you that along with certain other texts being used for Catholic education in human sexuality, the *Benziger Family Life Program* and *New Creation Series* are presently under examination by the competent Offices of the Holy Sec. Therefore, until the results of this detailed examination are available, I suggest that as parents, you exercise your right, recognized by the Magisterium of the Church, to teach your own children either by yourselves or by another person or persons of your choosing. The resources you suggested for this purpose in your letter of February 26, 1987 seem to be reliable.

Letter from Pontifical Commission for the Family:

I received your letter of May 13th with its relevant enclosures. *Familiaris Consortio*, N. 36, states that the right and duty of parents to educate their children is essential, original and primary, irreplaceable and inalienable. This doctrine is found in the Charter of the Rights of the Family in Article 5. It is also found in canon 226, §2, of the *Code of Canon Law* when specifying the obligations and rights of the lay Christian faithful: "Because they have given life to their children, parents have a most serious obligation and enjoy the right to educate them; therefore Christian parents are especially to care for the Christian education of their children according to the teaching of the Church."

It should be clear, therefore, that the code's particular norms concerning catechetical instruction and Catholic education follow the general norm of canon 226, §2. Thus, specifically regarding catechetical instruction, the code stipulates in canon 774, §2, that it is the primary obligation of parents "to form their children

in the faith and practice of the Christian life by word (i.e., teaching) and example.” This norm, with regard to Catholic education, is paralleled by canon 793, § 1. It is in the light of these canons that the rights and duties of ecclesiastical persons are to be interpreted. These persons are *to assist* the parents in fulfilling their sacred obligation and in executing their sacred right, not to take them over. Thus, canons 776, 777, when speaking about the pastor and catechetical instruction, direct him *to provide for* the catechetical formation of young people and children. In fact, canon 776 commands the pastor “*to promote and foster the role of the parents in the family catechesis.*”

The role of the pastor, therefore, is to give a service of assistance by providing the parents with the means to form their child. The parents, however are not obliged to accept this assistance if they prefer to exercise exclusively their obligation and right to educate their own children. (This is a natural right, and is not altered by the right of the Church, e.g., cc. 793 and 794, 914.) In times past, parents were only too happy to be assisted by the Catholic school system in the formation of their children. Now, however, this is no longer the case in many a diocese where Catholic schools are permitted to use certain catechetical texts which, though bearing an *imprimatur*, are gravely deficient in following the Magisterium.

However, while the parents may legitimately exercise their right exclusively to give catechetical formation to their children, they must follow the norms which have been made regarding this by competent authority (cf. c. 843, §2). Parents should keep in mind that though they have a natural right to teach their children, they must follow the teaching which is handed on by the Church and the particular norms published by competent authority for a suitable catechetical formation. But, while the code states that the pastor should judge about the fitness of a child’s preparation for the reception of confirmation and the Eucharist (cc. 890, 914), it also requires that the pastor’s judgement be made together with the parents. This judgement is to be based, not upon the arbitrary criteria of the pastor, but upon the truths of the faith and legitimately established norms.

You are involved in assisting the parent to exercise their rights in the catechetical formation of their children. Thus, so long as you are teaching the children the doctrine handed on by the Church and observe the norms published by competent authority, I do not see how you can be denounced any more than the parents themselves. The *Faith and Life Series* of Ignatius Press is an excellent religion text, as is also, *The Teaching of Christ*.

Pont Com. for the Family, letters to two U.S. families. *RRAO* (1989): 1-3.

Vocation of Spouses:

John Paul 11.29 May 1987, address to Pont. Council for the Family, *TPS* 32 (1987): 294-298.

John Paul II, 10 June 1988, discourse to Pontifical Council for the Family. *TPS* 33 (1988): 312-315.

CANON 227

Ethical Concerns:

- John Paul II, 25 January 1986, address to members of the Italian Pro-life Movement regarding state-financed abortions, *TPS* 31 (1986): 128-130.
- John Paul II, 24 October 1986, address to Pontifical Commission for the Apostolate of Health Care Workers, *TPS* 32 (1987): 40-43.
- John Paul II, 5 December 1987, address to Italian Catholic jurists, *TPS* 33 (1988): 79-81
- John Paul II, 19 February 1987, address to surgeons, *TPS* 32 (1987): 198-201
- John Paul II, 16 December 1989, address to Italian jurists, *TPS* 35 (1990): 212-214.
- John Paul II, 9 February 1990, address to the Pontifical Council for Pastoral Assistance to Health Care Workers, *TPS* 35 (1990): 257-262.
- John Paul II, 15 June 1990, address to Austrian judges, *TPS* 35 (1990): 426-427.

CANON 230

Particular Legislation: Lectors and Acolytes.

Canada:

- In accordance with the prescriptions of canon 230, §1, the Canadian Conference of Catholic Bishops hereby decrees that if laymen who are not candidates for the diaconate or the priesthood are to be admitted to the ministries of lector and acolyte, they must be 21 years of age.
- In addition, they are to have a serious Christian life and a recognized human maturity; a good reputation which would enable them to assume that responsibility for a community; and must be able to cooperate with others and have acquired the competence necessary to exercise the intended ministry. This decree becomes effective January 1, 1988.

OD no. 583; 01-12-87; *SC* 22 (1988), p. 223.

The Gambia, Liberia, and Sierra Leone:

- Lectors and acolytes should be sacramental Christians who have completed secondary or high school education or its equivalent.
- They must have completed the training program for lectors and acolytes at the National Diocesan Pastoral Center.
- These laymen will have one year’s probation in a parish. They must have completed their twenty-fifth year. The parish council is to be consulted before conferral of the stable ministry.

ITCABIC, 3 (1986), p. 1.

Nigeria:

The Catholic Bishops' Conference of Nigeria prescribes and decrees the following prerequisites for laymen to be installed formally in the ministry of lector and acolyte:

A. General Guidelines for Both Lector and Acolyte

1. He must have a good reputation in the community, and be free of qualities that would cause scandal if later detected.
2. He must be properly married or, if single, a fully mature adult. It would not be wise to install a man as lector or acolyte who may later put himself in a condition in which he could not receive the sacraments.
3. Number 2 sets the minimum age well enough. The maximum age for installation permitted for ministers should be 60 years.
4. Not to be conferred on anyone just to honor him or reward him for long service to the community. Conferral of ministry must be an upgrading for the whole community and be conferred on a man so he can serve the community better.
5. Not to be conferred just so my parish will have one. Some parishes may need acolytes(s) another lector(s), another both, another neither, depending on circumstances prevailing at parish level.
6. Formation program: Since men chosen for installation will surely have been performing all or most of the respective ministry on a temporary basis, and have indeed been selected because of their above average performance, little formal training will be needed for the work of the ministry as such.

However, all candidates for ministry should have a minimum of twenty lectures, each of which will entail outside reading on the following subjects, to be determined on a more particular *ratio studiorum* in the near future:

- a) the nature and history of ministry in the Catholic Church;
- b) canonical parlance; office, power of ruling, ordinary power, dispensation, validity, etc;
- c) the theology of liturgy and theology of preaching;
- d) ecclesiology; namely, the mystery of the Church;
- e) some basic things about Scripture studies.

Candidates are to make a three day retreat shortly before installation day. This retreat can be of any style, but must be with a director. No 'private' retreat should be allowed in this case.

7 Those to be installed are to freely draw up and present to the local Ordinary a signed petition to be so installed. The Ordinary has the right of acceptance.

8. Before installation, each candidate is to sign a document in the presence of

the Ordinary or his delegate and two witnesses, in which he states that he shall never seek or demand any form of remuneration for services rendered to the Church as a minister.

9. Although any priest can be delegated to install men into ministries, it is preferable in the African context that the Ordinary, the 'Chief,' comes to the parish church to install them.

- Calling men to be installed at a ceremony at the diocesan level is less acceptable than at the parish level.
- However, there could be one ceremony in the central parish church if men from various outstations of that parish are to be installed.

10. A formal certificate, signed and sealed by the Ordinary is to be given to each minister, preferably as part of the ceremony itself.

11. A parish social celebration following the installation is to be encouraged.

B. The Ministry of Lector (See *Ministeria quaedam*, 5)

1. Ability to speak or read the English language should not be an absolute requirement or criterion of suitability for this ministry.

2. He must have sufficient background and mental coordination to read the language to be used in a manner that is above the average reader.

3. He must have a singing voice good enough to sing the responsorial psalm and the Alleluia verse, and to direct the singing for the whole liturgical action if the need should arise.

4. He must be able to give instructions to the faithful on the worthy reception of the sacraments, both in an informal manner and in a classroom setting.

5. He must be able to conduct series of instructions for those who are appointed to read by temporary appointment, and be able to correct and encourage these temporary readers in a charitable manner.

C. The Ministry of Acolyte (See *Ministeria quaedam*, 6)

1. A catechist who has been serving mass and setting up the altar or a sacristan with sufficient mental coordination and physical presence is 'a natural' candidate for installation as an acolyte.

2. An acolyte is *ipso facto* in charge of training mass servers. Therefore those who are psychologically unable or unwilling to do this work should not be chosen for this ministry.

3. Before installation, it must be ascertained that he is familiar with everything that pertains to divine worship, and should be taught the liturgical, as well as the

symbolical meaning of all these things. This may be addition to the instructions noted in A-6.

4. Once installed, a specific role should be assigned to the acolyte, so that it is obvious to the faithful that the acolyte's role in the liturgy is more intimate and important than that of ordinary mass-servers.

5. During ceremonies and in exercising his ministry outside liturgical actions, he should wear a distinctive garb, which is different from that which the mass servers in that place wear.

6. He should be called upon to distribute communion at all public Eucharistic celebrations at which his assistance would lessen the overall time of the ceremony.

7. He should be called upon to expose the Blessed Sacrament for adoration and to repose it (without giving the blessing) whenever the priest or deacon is physically or morally unavailable.

D. Dismissal

Any minister who is found unworthy of his ministry shall be dismissed and prohibited from exercising his office.

General Notes:

1. Although canon 230 is concerned with lectors and acolytes, and these guidelines cover only these two, the Canon Law Commission puts forth the possibility of inventing a ceremony for Roman approval to install catechists into a canonically recognized ministry. However, see B-4 and C- 1 of this document.

2. The faithful will also need instruction so they can appreciate these official ministers in their midst. They must be taught to accept the functions of ministers, especially the distribution of communion, as an uplifting of the whole community, and not an imposition or a case of 'acceptance of persons'.

PCN. pp 4-7.

Scotland:

The Bishops' Conference of Scotland decrees that the Bishops' Conference will, when the need arises determine the age and qualities of aspirants to the ministries of lector and acolyte.

CLSGBI Newsletter. no. 69 (March 1987). p. 27.

South Africa:

In accordance with the prescriptions of canon 230, §1, the Southern African

Catholic Bishops' Conference hereby decrees that if lay men who are not candidates for the diaconate or the priesthood are to be admitted to the ministries of lector and acolyte, they must be at least twenty-six years of age.

In addition, they are to have manifested a serious Christian commitment, an outstanding moral life and a recognized human maturity. Moreover, they are to enjoy a good reputation which would enable them to assume some responsibility for a community. They must also be able to work together with others and have acquired the competence necessary to exercise the intended ministry.

(This decree applies in those instances where a lay man is being installed as lector or acolyte. Where a candidate for the diaconate or priesthood is concerned, the general regulations presently in effect would continue to be observed.)

SACBC

Sunday Celebrations in the Absence of a Priest:

John Paul II address to Cong. for Div. Worship, 22 May 1987, *TPS* 32:290-293 Also *Origins* 17 (no. 8): 127-128 under title "Sundays in Priestless Parishes." For full text see c. 1248.

CANON 233

Family:

John Paul II, 17 May 1990, address to Pontifical Council for the Family, *TPS* 35 (1990): 364-366.

CANON 236

Directives regarding the Permanent Diaconate, 17 April 1986. Private.

Introduced again into the life of the Church by the Second Vatican Council, the number of ordinations to the Permanent Diaconate has increased in recent years. The Congregation for the Sacraments has reviewed and approved the norms established by the individual Episcopal Conferences for the suitable preparation of the candidates to this degree of the ecclesiastical hierarchy. The *Plenaria* insisted on the necessary and indispensable formation of the future permanent deacons, on the specific placement of this hierarchical order in the framework of the sacred ministry, on the condition that it be conferred to meet the needs of the local churches and not to favour individual aspirations, on the tasks the deacons have to accomplish in a spirit of apostolic service.

Other problems linked with the Permanent Diaconate which have not yet

received an answer, impose a further and deep study on the identity of that order.

Cong, for the Sacraments, plenary session of April 15-17, 1986. *RRAO* (1987): 25-26.

Particular Legislation: Permanent Diaconate.

Canada:

In accordance with the prescriptions of canon 236, the Canadian Conference of Catholic Bishops hereby decrees that the following norm shall be in effect for the formation of permanent deacons:

1. The norms prepared by the Canadian Conference of Catholic Bishops and approved by the Sacred Congregation for the Sacraments, January 20, 1969 (Prot. no. 2150/68) remain in effect (cf. Official document No. 166);
2. The spiritual and doctrinal formation of candidates for the permanent diaconate shall extend over a period of at least three years, taking into account previous experience and studies. During this period, they shall make an annual retreat and attend prescribed formation sessions;
3. The candidate to the permanent diaconate, assisted by his spiritual director, shall take steps to nourish himself regularly with the Sacred Scriptures and the Eucharist. He shall familiarize himself with the Liturgy of the Hours;
4. It is recommended that a married candidate to the diaconate associate his wife in this doctrinal and spiritual preparation.

OD no. 592; 28-03-88; SC 22 (1988), pp. 463 and 465.

The Gambia, Liberia, and Sierra Leone:

Qualities: Candidates should be men of faith and prayer, called by the Holy Spirit, with a previous record of service to the community. They should possess sufficient intellectual qualities with ability to lead, good judgement, and be capable of working harmoniously with the diocesan bishop, priests, religious, and laity. They are to be aged at least 35 at the time of ordination and able to make a permanent personal commitment of service in the Church.

Formation Program: The training program shall be over a period of three years. This program must contain spiritual formation, knowledge of Scripture, homiletics and theology, practical pastoral skills, and opportunities of working in a pastoral situation. Candidates shall make an annual retreat. The local diocesan bishop will arrange continuing formation programs after ordination.

Nigeria:

Where the pastoral needs of the Church dictate the need for the permanent diaconate in the diocese, the following norms are to be followed.

As with lectors and acolytes, the candidates must have a good reputation. But since diaconate is a sacramental ordination and implantation of sacramental character, the following stricter requirements should be observed:

1. The man must have a good reputation in the community and be free of qualities that would cause scandal if later detected;
2. He must be fully mature. To this end, the canonical requirement of 35 years of age for ordination to the permanent diaconate for married men should be observed even if a non-married man is accepted;
3. If married, the man must have been so married for ten years, have a settled and exemplary married life, and have the consent of his wife before being accepted (of course, married 10 years means 10 years from marriage in church).

Educational Background:

Lectors and acolytes need not speak English or be 'international men', but deacons must. To this end, candidates need, as a minimum. West African School Certificate with a credit in English or the equivalent as minimum academic requirement.

Training Program:

A three year program is suggested, which would be full time. It would have to be decided in individual dioceses how support for the candidate would be provided during this period. The candidate could be paid as a catechist or perhaps be a primary school teacher in a school very near the venue of the training program and still be available enough hours a week to be considered a 'full time candidate'.

Required Courses Would Be:

1. Scripture, since these men are preachers and give homilies as part of their office;
2. Liturgy, since the deacon is not just *ad bene esse* in a liturgical action, but forms an integral part of it when present;
3. Dogmatic theology, especially Christology, without which he cannot understand the sacraments that he is dispensing;

4. Catechetics, since he will be, after the priest(s) of the parish, the most respected and sought after teacher and proclaimer of the Good news;
5. Many other subjects. Church history, canon law, principles of moral theology as found in any major seminary program should be offered as teachers for such subjects are available in the diocese or inter-diocesan training program.

Spiritual:

Candidates should be formed in a regular and habitual prayer life, without which their ministry would surely fail. To this end:

1. Morning prayer and evening of liturgy of hours is to be required. Communal celebration of these hours is to be encouraged;
2. Meditation, spiritual study periods, rosary are to be built into a daily program;
3. If not already installed in the ministries, they should be during the three year program, and exercise these ministries often, especially at daily Eucharist;
4. On Sundays they should attend the parish benediction of the Blessed Sacrament, do the readings during this ceremony if possible; or in those parishes with solemn vespers on Sundays, lead the people in the psalms, etc.

Admittance to Program:

Minimum age, 32; and minimum time married, seven years, so as to be 35 and 10 by ordination time. Final word on acceptance and continuance in program depends on the local Ordinary, who should delegate a priest of the diocese to be in charge of the training program, both academic and spiritual.

Observation:

Most bishops, and even some lay people would want the Church in Nigeria to “be cautious in introducing married deacons” to Nigeria. They are of the opinion that it will kill vocations to the ministerial celibate priesthood. They say that serious thought should be given to nationwide “even” distribution of the priests being ordained hence the National Missionary Seminary, situated at Iperu in Tjebu-Ode diocese and at Gwagwalade in the apostolic jurisdiction of Abuja, should be massively encouraged, and that this was bound to be a very effective solution to the scarcity of priests in most parts of Nigeria. It is argued also that the financial

burden of married ministers should be enormous.

PCN, pp. 8-10.

CANON 237

Particular Legislation: Statutes for Major Seminary.

The Gambia, Liberia, and Sierra Leone:

The Conference re-approves the present statutes of St. Paul’s Major Seminary until the new statutes are presented and approved by the Conference and the Apostolic See.

ITCABIC, 3 (1986) p. 8.

CANON 242

Particular Legislation: Program of Priestly Formation.

Canada:

In accordance with the prescriptions of canon 242, the Canadian Conference of Catholic Bishops hereby maintains that the program of priestly formation previously approved by the Apostolic See for Canada shall continue to be the approved program for the country.

For the French Sector, the document is: “La formation des futurs pretres. Normes fondamentales pour l’application au Canada de la *Ratio fundamentalis institutionis sacerdotalis*, ” approved by the Sacred Congregation for Catholic Education, December 19, 1983 (Prot. No. 1897/65/CAN/III).

For the English Sector, the document is The Program of Priestly Formation, approved by the Sacred Congregation for Catholic Education, May 15,1980 (Prot. No. 1897/65/CAN/III/55).

This decree is effective immediately.

OD no. 581; No. 581; 01-12-87; SC 22 (1988) p. 217.

The Gambia, Liberia, and Sierra Leone:

The present Charter of Priestly Formation for St. Paul’s Seminary remains in

force until the new charter is approved by the Holy See.

ITCABIC, 3 (1986) p. 1.

Nigeria:

A program of priestly formation drawn up by the Catholic Bishops' Conference of Nigeria is yet to be approved by the Holy See.

PCN, p. 10.

CANON 252

Circular letter concerning studies of the Oriental Churches, 6 January 1987. Private.

Considering the growth of theological and pastoral contacts with the Oriental Churches in the years following Vatican Council II, and especially in the pontificate of the Holy Father, John Paul II, the Congregation for Catholic Education desires to address some reflections on the matter to those responsible for priestly formation in the form of this Circular Letter Concerning Studies of the Oriental Churches.

1 On a number of occasions and in varying circumstances, Pope John Paul II has spoken of the necessity of mutual understanding and love between Catholics of the Latin tradition and Christians, Catholics and orthodox, belonging to the various communities of the Christian East. In commenting upon the lack of understanding which often exists and upon the ignorance of the spiritual traditions and values which form part of the heritage of so many Christians of Eastern Europe, the Near East, Africa and India, the Pope has underlined the importance of these traditions for the life and well-being of the whole Church with the striking affirmation that “the Church must learn to breathe again with its two lungs, its Eastern one and its Western one.” (Discourse to Members of the Roman Curia, 28 June 1985, *L'Osservatore Romano* 29 June 1985, p. 5)

These statements of the Holy Father are a commentary on a situation in the life of the Church which requires a serious and deep reflection by pastors and by those responsible for the intellectual and spiritual formation of the younger generations of the Church. The need for this reflection becomes even more urgent if one considers the many developments touching the relationships between eastern and western Christians which have taken place during this century. As an aid to this reflection, this Congregation for Catholic Education offers the following observations and guidelines.

2. There were massive migrations of people to the American continents from Eastern Europe and the Near East in the early part of this century. These were further reinforced by new migrations following the Second World War. Most recently, the sorrowful events in the Near East have meant the uprooting of hundreds of thousands of Christians, among others, and their migration from their ancestral homelands. The result of all this is that millions of Christians from every Eastern tradition can be found in Western Europe, Canada, the United States, in many countries of Latin America and in Australia. There are some new Eastern communities in Africa and in India alongside the ancient, indigenous Eastern Churches. They are no longer people who are distant cousins. They are the brothers and sisters who now live beside Catholics of the western tradition throughout the world.

This fact leads to new problems of a pastoral nature, involving Christian education and spiritual formation, religious life in the family, marriages between Catholics of various Rites and between Catholics and Orthodox, pastoral care of isolated groups etc.

How much is known of the liturgical and spiritual life of the ancient Christian traditions of these new neighbors? Are serious efforts being made to acquire and spread this knowledge and to draw suitable conclusions of a pastoral nature'? In some areas, at least, has the presence of these new communities led to renewed misunderstanding and further alienation'?

3. The present century has seen a remarkable growth in publishing the theological, liturgical and ascetical writings of the Fathers and spiritual leaders of the Christian East. Their works are appearing in many languages, in both academic and popularized forms. Many Christians seek to practice the "prayer of the heart" taught by Eastern spiritual authors. Religious communities, in seeking the renewal of their own community life, are searching into the writers of East and West for inspiration.

The question may be asked, however, as to how far these treasures from a common tradition are becoming properly understood and assimilated by Catholics. Are they sometimes treated in a superficial way as transitory movements of the moment? Or are serious efforts being made to study them in depth so that they may be legitimate aids to growth in prayer and in individual and communal life?

4. The years during and after Vatican Council II have been full of intense activity for renewal and reform in the Catholic Church. The Council itself, in a special decree (*Orientalium Ecclesiarum*), stressed the importance of the Eastern Catholic Churches, the development which should continue to take place in their communities, and the legitimate role they have to play in the life of the universal Church. In its decree on ecumenism (*Unitatis Redintegratio*, chapter 3A) the Council developed its understanding of the many Christian treasures from a common tradition which Catholics still share with Orthodox despite the fact that, at present, there is not full ecclesial communion between them. It pointed out how

much a knowledge and appreciation of this is necessary if effective work is to be done towards reestablishing full communion in faith, the celebration of the sacraments and in community life.

5. In the development of its own decisions, and in the encouragement it gave to catholic theologians and teachers, the Council also showed how greatly it appreciated the fact that a sincere and profound study of the Tradition of the Church of Christ cannot ignore the particular traditions of the various Christian churches, including those of the East. By returning to the essential sources of the faith, the theologian who belongs to a particular church not only enriches himself through this experience of the “others,” but also, through this method, returns to his own roots.

In the first centuries of the Christian era, though there was a great variety in forms of expression and in language, there still existed a marvelous spiritual communion so that the principal concepts of the faith were formulated in the languages of different peoples in a way which could serve as an example of the whole of Christianity. Studied in this wide historical context, the teachings of the faith are better understood because they are seen as rising out of a truly living environment.

6. Another question stressed by the Vatican Council II (e.g., *Lumen gentium*, *Gaudium et spes*, *Ad Gentes*) was that of knowing how to plant the message of the Gospel in the native soil of the genuine traditions of various peoples. This need for inculturation was underlined by the recent Extraordinary Synod of Bishops (Final Report, D, 4). The Eastern churches have a long tradition in this matter of teaching Christian peoples, from the very moment of their baptism, “to praise God in their own language” (Life of St. Constantine, Cyril, XVI, 1 sq). In many countries of the East, this inculturation sometimes reached the point of transformation, of an identification of one’s cultural life with the manner of Christian living. The study of this process can serve as an example and guide for those involved in a similar process today. It can indicate those ways which the experience of centuries shows to be profitable and which distinguish them from superficial adaptations which may only harm the process and perhaps even deform the faith itself.

This comparative study can be useful in other areas of theological and pastoral reflection, such as liturgical renewal and adaptation, canonical discipline (especially that touching upon the relationship between various communities), as well as church history (particularly where it touches upon what unites Christians, what brought about their divisions and what may still be maintaining them).

7. Reflection upon these facts and observations leads to the spontaneous question: what concrete steps can be taken to react to these developments in such a positive way that: 1) tensions between Latin and Eastern Catholics can be reduced and eventually eliminated, with the latter playing an increasing role in the life of the entire church; 2) the movement towards full ecclesial communion between Catholics and Orthodox can be encouraged and developed further; with Catholic

students being well acquainted with the Roman Catholic/Orthodox dialogue; 3) the entire Church, in its efforts toward renewal and adaptation to the needs of the present, can profit from the experiences of the past and from the pluriformity of Christian traditions which are part of its history and heritage?

8. A complete response to this question would require action by a number of Departments of the Holy See as well as by the proper organisms of the various particular catholic churches. For what concerns its own area of competence and responsibility, the Congregation for Catholic Education offers these guidelines.

9. The Pontifical Oriental Institute established in Rome almost seventy years ago, is a center of research and academic learning open not only to Eastern Christians but equally to those of the Latin tradition. It offers introductory and advanced programs in theology, liturgy, spirituality and history and has a special faculty of Eastern canon law. The need for scholars adequately trained in these areas is greater now than ever before because of the developments described above. This Congregation, therefore, urges Bishops and Religious Superiors to encourage clergy and lay people who are particularly qualified to undertake higher studies at the Pontifical Oriental Institute, to support them in these studies and, once trained, to use them effectively in diocesan and religious institutions. Seminaries, institutes for the formation of deacons or directors of religious education, teacher training institutes are examples of the types of institutions whose work would be rendered more effective if they could call upon the regular assistance of persons whose serious academic training qualifies them as experts in the field of Eastern Christian studies.

10. In seminaries and theological faculties, courses should be made available to the students on the fundamental notions regarding the Eastern churches, their theological ideas, their liturgical and spiritual traditions. In all seminaries, in accordance with *Optatam totius* n. 16, which first establishes that Biblical Studies should have pride of place, there must be a full and proper knowledge of the theological heritage of the Fathers of the Church, both East and West. The great theological heritage of the East should feature as a substantial part of all the tracts which it has particularly nourished and shaped, in order both to enrich the studies of the students of the Latin Rite and to promote a better appreciation of the Oriental Churches. Their theological and spiritual wealth is especially evident in the doctrines of the Divine Trinity, Christology, Pneumatology, Grace, the relation between 'nature' and 'supernature'; their approach to the 'Filioque', the eucharistic nature of the Church, and the 'Mystery' celebrated in the liturgy. These courses should be taught by those who are genuinely qualified and should be adapted to the situation of the place. They should prepare the students for intellectual dialogue and for the concrete pastoral problems which can arise when different religious communities live together, e.g., pastoral care in interritual and mixed marriages. Where possible, this formation should include direct contact with Eastern Christian communities and their liturgical life. The students should recognize and come to

understand the liturgical and cultural diversity among the Eastern Catholic Churches.

11. In faculties of Canon Law, adequate attention should be given to discipline governing Eastern Catholics and to the principal elements of current Orthodox discipline. An understanding of these is needed not only for those destined to be teachers in this field but also for those who will work as consultants or officials in diocesan offices, centers of pastoral guidance, etc.

12. In Catholic colleges and universities, attention should be given to including some treatment of Eastern Christianity in the general curriculum of studies. Where there is a significant number of Eastern Christians among the teachers and students, particular care should be given not only to their pastoral needs but also to making possible a sufficient academic formation in their religious and cultural traditions. Where circumstances warrant it, special institutes or faculties could be established to provide academic formation in these areas.

13. Particular care should be taken so that in the various institutions mentioned above, the libraries be supplied adequately with books, periodicals and other materials necessary for this work.

14. In carrying out these guidelines, this Congregation recommends that, as the local situation may suggest, cooperation between Catholic and Orthodox authorities and scholars be encouraged in accordance with the directives of the Ecumenical Directory, part II, chap. IV.

15. It is clear that, despite progress in this area, there is still need among Catholics of the Latin tradition for a great deal of knowledge of the peoples, traditions and churches of the Christian East. This was already recognized decades ago by Pope Benedict XV and Pope Pius XI when they undertook the pioneering work of founding and strengthening the Pontifical Oriental Institute and repeatedly urged Catholics to develop their knowledge and understanding of these questions. Their concern was repeated by later Roman Pontiffs and in common declarations such as the one between Paul VI and the Coptic Orthodox Patriarch, Shenouda III (1973). This Congregation for Catholic Education, in offering these reflections and guidelines, wishes to respond constructively to these frequently repeated concerns.

We hope that these guidelines will receive a warm reception by Professors and their students, and will prove to be fruitful; and we wish Your Eminences, Your Excellencies, Reverend Rectors, Presidents and Deans every blessing in God, assure you of our prayers, and remain yours devotedly in Our Lord.

Cong. for Catholic Education, letter to bishops, 6 Jan. 1987. *RRAO*(1988): 12-18; *TPS* 32 (1987): 225-229.

St. Thomas Aquinas:

John Paul II. 4 January 1986, address to participants in the International Congress of the St. Thomas Aquinas Society, *TPS* 31 (1986): 97-101.

John Paul II. 29 September 1990. address to International Study Congress on St. Thomas Aquinas, *TPS* 36 (1991): 78-82.

Canon 259	135	I
<p>Teaching Social Doctrine in Forming Priests:</p> <p>Cong. for Cath. Ed., 30 December 1988, guidelines, <i>TPS</i> 34 (1989): 293-342; <i>Origins</i> 19(1989): 169,171-192.</p>		I m
<p>Study of the Fathers of the Church in the Formation of Priests:</p> <p>Cong. for Cath. Ed., 10 November 1989, instruction, <i>AAS</i> 82 (1990): 607-636; <i>TPS</i> 35 (1990): 167-187; <i>Origins</i> 19 (1990): 549, 551-561.</p>		1. I
<div>CANON 259</div>		
<p>U.S. Seminaries:</p> <p>Cong. for Cath. Ed., 5 October 1986, report on U.S. freestanding seminaries. <i>Origins</i> 16 (1986): 313,315-325.</p> <p>Cong. for Cath. Ed., 8 September 1988, report on U.S. college seminanes. <i>Origins</i> 18 (no. 18): 285,287-291.</p>		 ' I · M H
<div>CANON 276</div>		
<p>Holy Thursday Letters to Priests:</p> <p>John Paul II. 16 March 1986, <i>TPS</i> 31 (1986): 154-165; <i>Origins</i> 15 (1986): 685-691.</p> <p>John Paul II, 13 April 1987, <i>TPS</i> 32 (1987): 262-270; <i>Origins</i> 16 (1987): 792-795.</p> <p>John Paul II, 25 March 1988, <i>Origins</i> 17 (1988): 737-740.</p> <p>John Paul II, 12 March 1989, <i>Origins</i> 18 (1989): 730-740.</p> <p>John Paul II, 12 April 1990, <i>Origins</i> 19(1990): 748-749.</p>		 , I H ! fl
<p>Particular Legislation: Recitation of the Divine Office by Permanent Deacons.</p>		U
<p>Canada:</p> <p>In accordance with the prescriptions of canon 276, §2, 3°, the Canadian Conference of Catholic Bishops hereby decrees that permanent deacons are obliged to pray daily the Morning and Evening Prayer from the Liturgy of the Hours. This decree is effective immediately.</p> <p><i>OD</i> no. 576; 01-12-87; <i>SC</i> 22 (1988), p. 205.</p>		fl 0 I I I
<p>The Gambia, Liberia, and Sierra Leone:</p> <p>Permanent deacons are bound to the recitation of morning prayer and evening prayer of the Roman breviary.</p> <p><i>ITCABIC</i>. 3 (1986), p. 1.</p>		I I II

Nigeria:

The Catholic Bishops' Conference of Nigeria directs that permanent deacons shall recite morning and evening prayers of the liturgy of the hours daily.

PCN, p. 10.

South Africa:

In accordance with the prescriptions of canon 276, §2,3°, the Southern African Catholic Bishops' Conference hereby decrees that permanent deacons are obliged to pray daily the Morning and Evening Prayer from the Liturgy of the Hours.

SACBC

United States of America:

Although they are not bound by universal Church law to say the whole of this prayer every day, they should be encouraged to pray at least morning and evening prayer daily.

Approved: General Meeting, November 1984. Reviewed: Holy See (Congregation for Divine Worship: *recognitio* of the Holy See not required.

Amended: Although they are not bound by universal church law to say the whole of this prayer every day, permanent deacons should not hold themselves lightly excused from the obligation they have to recite morning and evening prayer.

Approved: Administrative Committee, September 1985. Promulgated; *Permanent Deacons in the United States: Guidelines on Their Formation and Ministry*. No. 97. National Conference of Catholic Bishops. 1985. www.nccbuscc.org/norms.

CANON 284**Particular Legislation: Clerical Dress.**

Canada:

In accordance with the prescriptions of canon 284, the Canadian Conference of Catholic Bishops hereby decrees that, without prejudice to the provisions of canon 288, clerics are to dress in such a way as to be identifiable as clerics. This decree is effective immediately.

OD no. 590; 28-03-88; *SC* 22 (1988), p. 459

The Gambia, Liberia, and Sierra Leone:

The ecclesiastical dress of clerics is the white soutane. It is to be worn for liturgical and ecclesiastical functions and pastoral visitation. It is to be worn generally when clerics appear in public and specifically, when, participating in functions, they are representing the Church officially.

As a sign of their consecration and as witness to poverty, religious are to wear the habit of their institute, determined in accordance with the institute's own law.

rrCABIC. 3 (1986), p. 2.

Nigeria:

On the issue of clerical dress, the Catholic Bishops' Conference of Nigeria directs as follows:

- 1. Diocesan clerics are to wear a white soutane; and clerics of religious institutes and societies of apostolic life are to wear their distinctive habits;
- 2. The proposal by the Episcopal Commission on Canon Law that the clergy may alternatively wear a grey French suit with a cross, or a black suit with a Roman collar is acceptable;
- 3. The Catholic Institute for West Africa (C.I.W.A.) has been mandated to carry out further research into other possible alternatives.

/CM pp. 10-11.

South Africa:

Without prejudice to the provisions of canon 288 concerning permanent deacons, and in accordance with the provisions of canon 284, the Southern African Catholic Bishops' Conference decrees that in the matter of dress, clerics are to be identified by the wearing of a clerical collar.

SACBC

CANON 288

Particular Legislation: Application of Clergy Prescriptions to Permanent Deacons.

The Gambia, Liberia, and Sierra Leone:

Permanent deacons are bound by the provisions of canons 284; 285. §§3-4;

286; and 287, §2.

ITCABIC, 3 (1986). p. 8.

CANON 290

Dispensation from Religious Vows and Laicization, “*salva lege coelibatus (sacerdotalis)*.” Private.

Letter from curia of religious institute to provincial:

The Congregation for Religious and Secular Institutes does not dispense from solemn vows except in those cases where someone is seeking incardination and where there is a definite bishop willing to receive the priest petitioning the dispensation. Only the most unusual cases are an exception to this general rule.

On the other hand, for those wishing to leave both the religious institute and the active priesthood, another possibility could be clearly explained, namely, they can have both of these dispensations by requesting ‘loss of the clerical state and dispensation from religious vows with the exception of the obligation of celibacy’.

This request does not imply that one is not thinking of marrying at some time in the future. It only implies that he now is requesting loss of the clerical state (laicization), and dispensation from his religious vows with consequent separation from the religious institute. When this request is granted, he is freed of the obligations of his vows and religious life as well as the obligations of priesthood, except for the law of celibacy (as distinct from the vow of chastity).

Once this dispensation has been granted, his situation remains the same as it now is in regard to a future marriage; but his situation is better off in regard to other obligations stemming from the priesthood and religious vows which he now has.

This request can be made rather simply according to the form noted below, and is readily granted by the Congregation.

Form to be used in seeking dispensation from obligations of the clerical state and religious life:

Model for Petition Addressed to the Holy Father

Holy Father:

I (name of person), a religious priest professed of solemn vows in the Institute of Laodicea, request from Your Holiness the favor of loss of the clerical state, with dispensation from all obligations of the clerical state and the religious life, with the

exception of the law of priestly celibacy.

My serious reasons for making this request are the following:

- 1)
- 2)

place, date, personal signature

Curia of religious institute, letter to provincial. *RRAO* (1990): 71-72.

Argumentation concerning capacity and simulation. Private.

Statement of auditor regarding the case. May 10, 1988:

In accord with the practice of the Apostolic See, a petition for a dispensation may be considered under the *caput* that the petitioner should never have been ordained due to psychological difficulties.

While it is difficult to discuss adequately the psychological grounds for dispensation, it can be stated that there is an analogy to the jurisprudence of marriage annulments. Canon 1095 states that a person who is afflicted by certain psychiatric conditions is incapable of contracting marriage. Jurisprudence has categorized these conditions as lack of due competence – the incapacity to assume the obligations, and lack of due discretion – the incapacity to make a judgment about marriage, either in general or in the particular marriage. Proof of an invalidating condition is found by examining behavior and/or evaluating psychological opinions.

Just as a person must have sufficient psychiatric capacity to enter into marriage, so a person must have a similar capacity to commit himself to the vowed life and to both the ontological reality of ordination and the obligations attached thereto. In fact, it could be said that the capacity must be even greater for a person undertaking celibacy than for a person entering into marriage because a celibate person is committing himself to a life which requires great control of natural human tendencies. If the capacity is not sufficient, the person should not have professed vows or been ordained. The person because of his condition is not able to live out the life which he undertook by vows and ordination.

The marriage canons also state that a marriage is invalid if simulation exists. Canon 1101 states that: “if either or both parties through a positive act of the will should exclude marriage itself, some essential element or essential property of marriage, it is invalidly contracted.” Similarly, if a person professes religious vows while internally by a positive act of the will intending to exclude part of the obligations then the profession is invalid. The same can be said of the obligations arising out of ordination. The ordination, itself, may be valid, but the intention not to vow oneself to the obligations may invalidate the obligations. The most obvious positive act of the will to exclude a vow and obligation is to exclude chastity.

The auditor argued: The petitioner should never have been ordained due to his psychological profile.

It is evident from the testimony that the petitioner came from an unstable, dysfunctional family. Both psychiatric reports state this. Because of this family background, Paulinus developed a very low self-esteem. As the testimony reveals, he eventually sought religious life and priesthood to overcome his low self-esteem. The religious community offered him the closeness and security which he lacked in his family. The priesthood offered him the external respect which internally he felt he did not have. (This auditor recalls a long session with Paulinus when he was rejected for ordination: “I was a member of the seminary faculty. He came to me and began to cry. In his conversation he evidenced in very clear language how this rejection for ordination demonstrated to him once again that he was not worth anyone’s love and respect.”)

The testimony of the petitioner, which is verified by the psychological reports, gives concrete evidence that he suffers from sexual addiction, or as referred to in the psychological reports, compulsive sexual behavior. Prior to his entrance into the novitiate, the petitioner engaged in anonymous sexual activity numerous times. Even though he felt that he could live a celibate life when he entered the novitiate, the reality was that he could not. Beginning in his novitiate and continuing through his religious and priestly life, he acted out sexually. Sometimes it would be numerous one-time encounters on the same day. In effect, prior to ordination, he found himself to be living two separate lives: one was the religious life of prayer and commitment, the other was the sexual encounters caused by his sexual addiction.

The public manifestation of his psychological difficulties emerged through alcoholism. Prior to ordination, he drank continuously, but never in a situation where his superiors would judge him to be an alcoholic. However, shortly after ordination he began to drink heavily. It seems that this was caused by his fear to act out sexually in the rural parish where he was stationed. The petitioner eventually entered an alcohol treatment program where he stayed for over six months and participated in a two-year aftercare program. He did not remain celibate or sober during the aftercare program. He eventually sought counseling from a psychologist because of depression. He was finally able to see that his entrance into the religious community and the priesthood were not the answers to his problems. In fact, religious life and priesthood exacerbated his problems.

It is clear from the testimony and the evaluations that the petitioner did not have the requisite ability to freely choose religious life and priesthood. Both psychiatric reports end by stating that he could not have made a free choice. The reason for this conclusion was based upon his dysfunctional family background, his alcoholism, and his sexual addiction.

It is also clear to this auditor from personal knowledge that since the petitioner

has left the religious life, he has been able to control his alcoholic behaviour and his compulsive sexual behaviour.

The auditor then argued: Petitioner's religious vows were invalid due to simulation as was his promise to undertake the obligation of priestly celibacy.

The petitioner testified that he did not intend to keep his vow of chastity. He accuses himself of simulation to an essential element of religious life. The proof of this simulation is that he never did keep religious chastity. From his novitiate until he left, he engaged continuously and regularly in homosexual acts.

The petitioner also testified that he did not intend to keep chastity as a priest. While he could not marry because of his sexual orientation, he intended to have regular 'marital' relationships with men.

The petitioner, therefore, simulated both his religious profession and priestly obligations. In light of jurisprudence, his religious profession and priestly vows were invalid *ab initio*.

The auditor drew these conclusions.

The petitioner should be granted a dispensation from religious vows and priestly obligations based on his psychological inability to freely choose religious and priestly life and to live them out. Further, he should be released from religious vows and priestly obligations based on the invalidity of his promises.

Also, this auditor wishes to point out to the Congregation that it would be beneficial for this religious institute in particular and the Church in the United States in general for this dispensation to be granted as soon as possible. It was difficult to convince Paulinus to seek this dispensation because of his present lifestyle. He agreed to seek the dispensation and to cooperate in the process because of his gratitude to the religious community for helping him to come to terms with his personhood. However, his lifestyle and his public activities on behalf of homosexual rights give concern to the religious community that their institute will be identified with Paulinus. This has already happened in public news reports. Thus, if he were dispensed, the religious community could always indicate that he is no longer a member of this community nor an active priest.

It would not be beneficial at this time to cause either a case of invalidity or ordination or a canonical trial to be initiated. The petitioner has cooperated in this dispensation process. The materials seem sufficient to grant the dispensation. The good of the religious community and of the Church requires action as soon as possible.

Response from the Congregation for the Doctrine of the Faith, March 3, 1989:

This dicastery informs you that, though keeping in mind the particular gravity of the motives cited, it must consider together with the personal situation of the petitioner, the good of the universal Church, and the possible effects the eventual concession of the dispensation would provoke in the Christian community, especially in the candidates for priesthood. This is in consideration of the relatively young age of the petitioner.

Therefore, it is necessary for this Congregation to submit such cases to a further and more thorough examination. This will inevitably bring about a certain delay.

In the meantime you will continue to assist the petitioner so that he will be able to understand the mode of procedure of this dicastery, which is not devoid of justifiable motives in reference above all to the common good.

Further developments.

The dispensations were finally granted about a year and a half later. As usual, no grounds were indicated in the rescript. However, the auditor had the experience while assisting another institute of receiving responses in the negative when his argument was based solely on the allegation of incapacity; he therefore concluded that this rescript had to have been based on simulation.

Religious institute and CDF, case based on incapacity and simulation as grounds for invalidity of presbyteral ordination. *RRAO* (1990): 9-13.

Laicization of priests as a ‘disciplinary measure’. Private.

Background of case:

In the summer of 1983, a priest was charged with two counts of sexual abuse involving boys under the age of 18. Appearing in court the same day, the priest pleaded guilty to the charges. The guilty plea was entered with the understanding that the DA would recommend probation and a sex offender treatment program. Sentencing was scheduled for the end of the summer. During the summer, the priest continued his relationship with one of the alleged victims. Because of this circumstance, the judge no longer felt bound to the plea negotiations, and he sentenced the priest to one year in the county jail. In addition to the jail sentence, the judge decreed that the priest would spend five years on probation and would complete treatment at a recognized center for sex offenders. In the meanwhile, out of court settlements were made with the victims.

When the priest completed his treatment program, his bishop requested that he petition the Holy See for a return to the lay state. The *acta* for this petition was sent to the apostolic pro-nuncio on July 8, 1988, for forwarding to the Congrega-

lion for the Doctrine of the Faith. The rescript from the congregation was dated September 30, 1988. The following letter accompanied the rescript.

Letter from Congregation for the Doctrine of the Faith, September 30, 1988:

Most recently, this Congregation has received the Acts of the dispensation from the process relative to the request for a dispensation from the obligations of the priesthood.

This Dicastery, after a careful examination of the dossier, has considered with particular seriousness the alleged motives, both by reason of the pastoral aspect as well as the social aspect, for the granting of the dispensation in favor of the above-mentioned priest.

Mindful of the fact that the same petitioner has admitted his guilt and has acknowledged to having brought great harm to the Ecclesial Community, the granting of this petition carries with it the understanding that it is also a disciplinary measure for the petitioner; for this reason he is asked as well to manifest his repentance with appropriate works of penance.

There is attached to this present document the rescript by way of a favor.

CDF, 30 Sept. 1988, letter requiring works of penance as part of dispensation. *RRAO* (1989): 10-II.

Laicization of priests as a penal process. Private.

Letter from bishop to Congregation for the Clergy, September 8, 1988:

I would like to ask the help of your Congregation in a matter of some delicacy and urgency. The matter concerns a former priest of our Diocese, Father Iago.

Father Iago was ordained for our diocese in 1967. Before that time he attended St. Peter Seminary in Antioch. His career there can best be described as erratic. There were several allegations made against Iago regarding his social activities, notably, going out with young ladies and socializing at dances. The appropriate communications regarding those allegations are enclosed. There was also some question as to his orthodoxy in regard to the Roman Catholic faith.

These things aside, Iago was eventually ordained for the service of our diocese. His lifestyle, which could – at best – be described as erratic, continued. He was assigned as assistant pastor in our Cathedral parish in July 1967, where he found many supporters and many detractors. Complaints were once again alleged about his social activities. The following year, 1968, he was transferred from the Cathedral to St. Xanthippe's parish in Hayseed Junction. Once again, the same story of socializing with young ladies reasserted itself.

Father was eventually assigned as assistant at St. Stoic parish in Indian Comers. Father there, in Indian Corners, continued his scandalous behavior, much to the

chagrin of many upstanding parishioners of that parish. At that time, in approximately 1969, there occurred a regrettable incident where Father Iago slept overnight in a sleeping bag with a young man, whom he repeatedly kissed and fondled. The young man reported this incident to his pastor, who appropriately contacted the Bishop. The Bishop of that time, Cyprian, a very prudent and pious man and a competent canonist, promptly sent a letter to Father Iago, which is enclosed, outlining Father's options. Father Iago's reply is also enclosed with this letter. His reply is a meandering mass which addresses no concrete issues in regard to the incident with the young man. He admits to the incident but in his own mind obviously sees nothing wrong with what happened other than perhaps he got a little earned away. Bishop Cyprian, being aware of the scandal such an incident could cause should it become public, was anxious to remove Father Iago from the Indian Comers parish and indeed suggested that he leave the diocese. Father Iago was not agreeable to any of these alternatives. Eventually, he did leave the parish, but refused to leave the diocese and refused to give up the practice of his ministry.

For the next three years, up until 1973, Father Iago was living in the diocese and requesting an assignment in the diocese, which he was consistently refused because of his previous activities. After many conversations with my immediate predecessor, Bishop Augustine, the latter found it necessary to insist that Father Iago discontinue all administration of the Sacraments, and indeed suspended him from all priestly functions in 1973. From that date to this Father Iago has been acting as a free-lance priest, witnessing marriage ceremonies in violation of canon law, the latest one being January of this year. He continues to represent himself in our diocese as a Catholic priest and when marriages are turned down by the diocese for reasons of previous bond or age or other impediments, Father Iago volunteers his services to go ahead with a 'Catholic' wedding.

Father Iago's consistent behavior in violation of canon law and in violation of morality is a consistent source of scandal and wonderment to the faithful of our diocese. Given this age of litigation in the United States, it is very desirous for us in this Diocese of Iconium to put as much distance as we can between Iago and ourselves. Iago will not cooperate with us in any way in applying for a laicization and even if one should be granted, he will not cease his activities. However, I feel it would be beneficial for the diocese for him to receive a reduction to the lay state from a canonical and legal point of view, once again distancing Iago's activities from the Roman Catholic Church as far as possible. Thus, I would ask Your Excellency to forward any advice and/or directions to me in how to handle this matter. Any help that you can give will be greatly appreciated by the faithful of our diocese in removing this present scandal. I am,

Reply from Congregation of the Clergy, October 21, 1988:

This is in response to your inquiry about the situation of Iago, a priest in your

diocese.

There is no doubt that, given the conduct of Father Iago, the best thing to do is, as you say, ‘to put as much distance as we can between Iago and ourselves’, and therefore reduce him to the lay state.

The reduction to the lay state, however, brings along a substantial and permanent change of the juridical and moral condition and is classified as a permanent penalty (c. 1336, §1, 5°) and therefore cannot be inflicted by way of decree (c. 1342, §2). Instead, it will be necessary to reduce Father to the lay state *in poenam* following the procedure in canon 1425, §1, 2°, thus giving way to a penal process by a collegial tribunal of three judges.

Hoping that this letter will be of help to Your Excellency in this delicate case, I remain, with sentiment of cordial esteem,

Exchange of corresp. between U.S. bishop and Cong, of the Clergy. Sept.-Oct 1988. *RRAO* (1989): 12-14.

Documentation submitted for laicization of a priest-pedophile. Private.

I am sending you three copies of the acts of a cause in which a priest of this Diocese seeks to return to the lay state. I ask that this material be forwarded to the Holy See.

I would appreciate it very much if someone could glance over the acts since the 1980 Norms of the Doctrine of the Faith have not been exactly followed. However, given the nature of the petition and the reasons that prompt it to be made, a precise following of the Norms seems unnecessary.

With all good wishes, I remain cordially yours.

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Petition for Laicization

Under the provisions of canon 290,3°, I humbly request a rescript returning me to the lay state, along with a dispensation from the obligations of celibacy.

My full name is N.N. I was born in Perge on February 1, 1946 and I was baptized a Roman Catholic on March 3, 1946. I completed my studies for the priesthood at St. Peter's Seminary in Antioch. I was ordained to the subdiaconate on February 5, 1972 and to the diaconate on May 14, 1972. On May 12, 1973, I was ordained to the priesthood for the service of the Diocese of Perge where I continued to serve until recently.

The following is a list of my parochial assignments since being ordained:

Saints Peter and Paul Church, June 9, 1973, Associate Pastor;
 Sacred Heart Church, May 1, 1976, Associate Pastor;
 Leave of absence, February 17, 1978;
 Saint Ann's Church, January 5, 1979, Associate Pastor;
 Leave of absence, April 17, 1980;
 Saint Joseph Church, November 29, 1980, Associate Pastor;
 Saint Mary's Church, May 29, 1981, Parish Administrator;
 Appointed Pastor, September 25, 1986;
 December 1986, suspended from office.

When I was ordained, I fully understood that I was making an act of personal commitment and I fully intended to live up to it. However, I have found it impossible to hold to the commitment, as much as I would like to. During the intervals when I was on leaves of absence, I sought extensive professional counseling with psychiatrists and with psychologists. I was involved in intensive spiritual direction. But certain psychological difficulties persisted and I now believe that these difficulties make it impossible for me to function as a priest, in my own Diocese or in any other.

On December 13, 1986, I met with Monsignor O'Rourke, JCD. He pointed out to me that in my particular case, there was the possibility that I could be returned to the lay state by way of a penal action. If at all possible, I would like to spare the Diocese of Perge and my Ordinary the potentially disruptive effects such a process would entail.

At the present time, I am living on a remote farm and my status is not known in the area. I have not attempted marriage. I am not employed in any way whatsoever.

It is with deep regret that I present this petition to you and I do it only after careful deliberation and fervent prayer. But I see no other alternative. I make this appeal to you for the good of the Church that I hope to continue to serve in any way that I can.

Humbly and prayerfully, I lay this petition before your feet, asking for a favorable decision.

M a n d a t e

I hereby appoint the Reverend Msgr. Daniel O'Rourke, JCD, to instruct the petition of the Reverend N.N. for a dispensation for all obligations arising from Sacred Orders, including that of celibacy.

The instruction of this case is to be carried out in accordance with the Procedural Norms issued by the Congregation for the Doctrine of the Faith (1980; Protocol Number N.I28/61).

Bishop of Perge

Votum Episcopi

It is with deepest regret that I endorse the petition of the Reverend N.N., a priest incardinated for this Diocese, who is asking for a dispensation from the obligations of sacred orders along with a dispensation from the obligations of celibacy. My endorsement comes after a great deal of deliberation and advice sought from many sources. It comes in the way of a very painful last resort.

Father N.N. has been ordained for 13 years, most of which were spent serving under my predecessor, Bishop Augustine. From my own observations and from various reports, Father has, in general, served the people of God in this Diocese very well. In many areas of ministry, he is known for his enthusiasm and hard work, often in the most difficult circumstances.

In spite of his many talents, personal difficulties have plagued Father N.N. almost from the very day that he was ordained. More precisely, over the past 13 years, there have been many incidents of homosexual activity, always involving very young boys. At the present time, the district attorney in a nearby town is considering whether or not to refer to grand jury allegations of sexual misconduct involving Father N.N. and two minors whose parents live in the last parish served by Father N.N. In the civil law of this State, such conduct is a criminal offense and if convicted, Father N.N. could face imprisonment. My hope is that the district attorney will understand the seriousness of Father N.N.'s petition to the Holy Father and will see this as adequate punishment.

The archives of this Curia show that even before ordination to the priesthood, there were intimations of sexual misconduct but that they appeared to be without foundation. The archives also indicate that during Father N.N.'s second parochial assignment, in 1976, the Pastor reported rumors of misconduct, again with minors. Several high school students spoke to the Pastor about the matter and warnings were given to Father N.N. In a short time, the matter came to the attention of the Ordinary who removed Father N.N. from the parish. Father N.N. was granted a leave of absence and resided in Hippo for some time. While there, he received extensive psychiatric counseling from a well-known psychiatrist. All costs were covered by this Diocese.

In early 1979, Father N.N. returned to this Diocese and was given an assignment in a parish. Shortly thereafter, there were more rumors and accusations and by the following year, another leave of absence had to be arranged. There was more psychiatric counseling and intensive spiritual direction. Father returned to the Diocese in late 1980 and was given an assignment. Disturbing reports continued to surface.

In May of 1981, Father N.N. was named Administrator of a remote parish which also involved the care of three small missions. Things appeared to be stable but the rumors persisted.

In 1986 Bishop Augustine died; I was named Ordinary of this Diocese. I had several meetings with Father N.N. and in light of the chronic rumors, I issued a canonical warning, in writing, on October 6, 1986. It included four specific directives regarding his conduct around young boys. It was shortly after this that the police in the small town became involved.

On December 1, 1986, I suspended Father N.N. from the office of Pastor following the provisions of canons 192, 538 and 1740, *CIC*.

I immediately consulted with many persons, in a confidential way. At first, it seemed to me that Father N.N. might be given some non-parochial assignment, one which would not put him in contact with minors. To the district attorney involved in the matter, this was totally unacceptable. Thus, it became evident to me that it was no longer possible for Father N.N. to function in any manner whatsoever in this Diocese. Further, it also became evident that I could never recommend him to another bishop. I therefore concluded, with great sadness, that Father N.N. would never again function as a priest.

I believe that you are also aware of the potential liability to the local church in matters such as these. In addition to the criminal charges that may be filed, parents of minors have instituted civil proceedings, not only against the offending person but against the local diocese. The courts of this country have held the diocese to be liable for the actions of its clerics and the awards have been extremely large and costly, leaving some dioceses severely damaged. Insurance companies are no longer willing to provide coverage for sexual misconduct. In the United States, we live in a very litigious society.

Since I became convinced that Father N.N.'s days of functioning as a priest were over and in consideration of the potential damage litigation would present, it seemed to me that the only solution was for Father N.N. to be returned to the lay state. The change in his juridical status, from cleric to lay, would allow him the opportunity to rebuild his life as a lay person and would protect this Diocese against any future litigation should there be a re-offense.

I have considered the three-fold provisions of canon 290. I do not believe that the validity of Father N.N.'s orders can possibly be challenged. I am aware that I could proceed by way of a penal action, dismissing Father N.N. from the clerical state by the infliction of a penalty. I am extremely reluctant to consider this route

for these reasons:

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The length of time such an action would take;

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The necessity of gathering the proofs which would involve a dangerous digging into the past, possibly exacerbating civil action by parents;

The further scandal that would ensue in such a process.

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Having considered all of this, it seems to be that the best possible solution was for Father N.N. to petition for this dispensation.

IHI I

On December 13, 1986, I had Monsignor Daniel O'Rourke, JCD, meet with Father N.N. The primary purpose of the meeting was simply to explain the predicament to Father N.N. and to lay out the alternatives as I perceived them to be. I assure you however that no pressure was brought to bear and it was not until some time later that Father N.N. made the decision to ask our Holy Father for the dispensation.

S-A 'S jSgn

I am fully aware that a dispensation can not be granted unless there is just cause. In a situation as serious as this, one which involves the very sacrament of holy orders and the obligations attached to it, only the very most serious causes can be considered. I respectfully submit that in this instance, the situation is so serious, the potential damage to the Church and to the people of God so great, that there is sufficient cause to relax the law, in this particular case.

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I believe that I am correct when I say that if the petition of Father N.N. is granted and he is returned to the lay state, a favor will have been granted and as such, the demands of justice do not apply. However, I am prepared, in a spirit of charity and in consideration of the many ways in which Father N.N. served the Church so well, to make ample provision for his return to civil society, seeing to it that he receives support, medical, financial and moral.

piyuM ipWI

I have reviewed the Norms issued by your Congregation on October 14, 1980, I am aware that some of the procedures have not been followed, in particular Norm 5. It seems redundant to interrogate the Petitioner since the fundamental basis for his petition is known to him and to others. I am extremely reluctant to interrogate any witnesses due to the potential scandal and to the very nature of the matter. Also, the present precarious situation with regard to the civil authorities must be seriously considered.

HrS] H I ■ b||N| u I

In summary, while Father N.N. has endeavored, in certain respects, to be a good priest, his difficulties prevent him from using his talents. In my judgement, his condition, of itself, precludes his functioning as a priest. My concern for the people of God and for the well being of this Diocese leads me to sadly endorse this petition.

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With sentiments of esteem and with gratitude for your many kindnesses in the past, I remain respectfully yours in Christ Jesus.

| IHH

Faculty Report

The candidate seems to have a reasonably firm commitment to the priestly vocation, and his behavior has been to our knowledge, generally consistent with this commitment. An apparent association of N.N. with a reputed homosexual was a matter of some concern in the parish, but no reason was found to question N.N.'s probity. It does point out the need for a keener sense of pastoral prudence.

Memorandum of the Ordinary

Today at my request Father N.N. came to see me. I pointed out to him some of the serious charges that have been made, and we decided that he should take a leave of absence for studies. He will say goodbye to the people of Sacred Heart Parish next Sunday and leave the parish by the following Friday. I also told him to call Father H. Shrinker in Hippo who will be prepared to talk to him and refer him for the treatment he needs. I assured him that I am anxious to preserve his good name and to get him back into the active priesthood.

Letter of Ordinary to Petitioner

I am very sorry to learn that conditions have arisen which will require you to give up your position at Lystra and its missions and to submit to more therapy. This is a disappointment to me, as I know it must be for you. However I am pleased that you are willing to do what is indicated as best for you and for the Church.

It is good of Father Shrinker to offer you hospitality. I am confident that you will show your appreciation by doing nothing to compromise that kindness. The Chancellor has been informed of the arrangements, and he has agreed to be helpful.

Let us continue to pray for each other. I pray for the day that you may be able to return to our diocese for your priestly ministry. Be perfectly open with your doctor so that he may hasten the day.

Canonical Warning

I was happy to have had the opportunity to visit with you and to have a frank discussion. I was impressed by your openness and willingness to face up to the reality that flows from certain past problems. Let me stress with you again that you will find me supportive and helpful as you heroically struggle to live the life of a good Priest.

While I am confident that the problem we discussed is well under control, circumstances present in our society, necessitate this letter. While I am vitally concerned about you as an individual, I am at the same time charged with the

responsibility for the whole Diocesan Church. Because of that, consider this letter a canonical warning. Any future charges in the areas discussed will be taken with the utmost seriousness and if deemed necessary, the strongest possible canonical response will be carried out.

In order to assist you, I wish to make a couple of statements. They are not to be considered good advice, but rather as directives. In the future, you are not to:

- A. Have any single men other than priests or relatives spending the night in your rectory.
- B. Have any extended contact with any single young man.
- C. Work extensively with young people other than with mixed groups.
- D. Limit yourself to socializing with others, who, whether clerical or lay, share the burden under discussion.

God has given you many gifts and you have used them well and generously. I urge you to build on that generosity and develop a capacity to lead not just young people but the whole community of faith, which is your charge.

Know that my prayers will go with you day by day as you seek to carry out His will.

Read and Accepted By [N.N.]

Letter of Suspension
(hand delivered)

By this letter I wish to serve notice to you that you are suspended immediately. All Diocesan Faculties that you have enjoyed are hereby withdrawn.

By this same letter, I remove you as Pastor of St. Luke Church and its Missions. You will not be receiving another pastoral assignment.

Received December 3, 1986
N.N.

Certification of the Acts

By these presents, I certify that the acts of this case, beginning with the Table of Contents and ending with this Certification, are either original writings or exact duplicates of original writings and form the authentic acts of this case to be transmitted forthwith to the Congregation of the Doctrine of the Faith.

S/ Vicar General and Notary

Given at the Chancery for the Diocese of Perge, January 23, 1987.

On June 26, 1987, the Holy Father granted N.N.'s request and the Congregation for the Doctrine of Faith issued the usual rescript, with no additional observations, restrictions, or comments.

Documentation submitted to the Cong, for the Doctrine of the Faith, 1986-1987. *RRAO* (1987): 26-36.

CANON 293

Readmission to Clerical State for Former Transitory Deacon. Private.

Letter from diocesan bishop to Congregation for the Sacraments, March 4, 1985:

I am writing with regard to Mr. James Jones of this Diocese. Mr. Jones was born August 25, 1952, and was baptized as an infant. He was raised in a very good Catholic family. In 1970 he entered The Catholic University of America as an undergraduate and received his degree in philosophy in 1974. He immediately entered the Theological College of the same University, where he began his theological studies toward ordination for the priesthood. Mr. Jones was studying for the Diocese of N.N. He did quite well in his seminary studies and received generally favorable evaluations from the seminary faculty. The faculty recommended that he be promoted to the Sacred Order of the Diaconate, and be ordained to that Order on May 14, 1977. Soon after receiving the diaconate, Mr. Jones entered a serious crisis regarding his vocation. This crisis centered mostly around celibacy. Because he came to see that he could not at that time embrace a celibate life, he requested a dispensation from the obligations of the diaconate including celibacy. On July 26, 1978, the Sacred Congregation for the Sacraments and Divine Worship granted him a dispensation from the obligations he had assumed in the Sacred Order of Diaconate (Prot. No ... /78). On September 9, 1978, Mr. Jones married Patricia A. O'Grady at Forty Holy Martyrs Church in our See city. Since that time, Mr. Jones and his wife have had a very happy marriage. Both of them have Masters' degrees in Religious Education. For the past six years Mr. Jones has been Director of Religious Education at St. N.N. Parish. This is a very large and still growing parish, and Mr. Jones has proved himself to be an excellent and competent Director of Religious Education, both of young people and of adults.

About six months ago, Mr. Jones approached me, expressing his desire to be reinstated in the diaconate and to be allowed to function as a Permanent Deacon in the Church. Several members of my staff, including my Auxiliary Bishop, have interviewed Mr. Jones at one time or another over these past six months. I have also interviewed him in depth, and on a separate occasion met with him and his wife. It is my judgement that Mr. Jones is deeply committed to the Church and is

an extremely competent minister. He and his wife are very active in their faith, and his wife is most supportive of his request to be allowed to function as a Permanent Deacon. Accordingly, I can heartily recommend his request to you, and I am pleased to be able to propose for your consideration that Mr. Jones be reinstated as a deacon in the Church and permitted to function as Permanent Deacon.

There is no question in my mind that we have a significant need for Mr. Jones' ministry.

Along with my letter, I am enclosing a copy of a letter written by Monsignor N.N. to the Chancellor of the Diocese. He is the pastor of St. N.N. parish, where Mr. Jones is employed. In that letter, Monsignor N.N. clearly expresses the need for additional assistance at St. N.N. parish, particularly the kind of assistance that an ordained minister can render. Although we are making great efforts to promote vocations to the priesthood, the fact is – as I am sure you are very well aware – that we do lack sufficient priestly vocations, and thus the ministry of a Permanent Deacon is most helpful. Mr. Jones would definitely fulfill a need.

Besides Monsignor N.N.'s letter, I am enclosing for you a photocopy of Mr. Jones' certificate of ordination to the diaconate, as well as a copy of the rescript granting the dispensation from the diaconate and a copy of his marriage certificate.

Your Eminence, if there is additional information which is required, or additional comments that you would wish to have, I would be most willing to assist in any way possible.

Letter from Congregation for the Sacraments to diocesan bishop, August 13, 1985:

I refer you to the following points in regard to the case of the deacon James Jones of your Diocese, who – reduced to the lay state and married – now wishes again to be made a cleric as a Permanent Deacon.

This petition reached this Congregation in good order, but as yet no response can be given.

Indeed, according to the constant practice of this Dicastery, the petitions of deacons ordained to the priesthood, who have obtained reduction to the lay state and a dispensation from the sacred responsibilities and have married, and who then have petitioned that they might return to the clerical state in the order of Permanent Deacon, have never been admitted because of the implication of the law of ecclesiastical celibacy.

Because the Reverend Ordinaries in more recent times, due to the death of sacred ministers, have begun to insist that such transitions be admitted, this Congregation has referred the solution of the principle to Higher Authority; to date there has been no response.

This being the case, I regret that I cannot yet give a solution to the case which you propose.

Letter from Congregation for the Sacraments to diocesan bishop, July 31, 1986:

In a letter dated March 4, 1985, Your Excellency asked this Congregation if Mr. James Jones, formerly a transitory deacon but reduced to the lay state and then married, might be readmitted into the ranks of the clergy as a married permanent deacon for the Diocese of N.N.

In a recent letter dated June 24, 1986, Your Excellency raised the subject and asked that a reply might be given as soon as possible.

This Dicastery in a letter dated August 13, 1985 [cf. above], stated that in the past such a request had been refused on the grounds of being a *vulnus* [jzɔ] to ecclesiastical celibacy.

However it was added that, in the light of repeated requests about this matter, the question would be referred to Higher Authority.

This was in fact done. We are now able to give Your Excellency a reply, which unfortunately is not the one you had hoped for.

Only a short time ago the Secretariat of State communicated to us that the Holy Father had approved the decision of the Congregation for the Doctrine of the Faith whereby it is not permitted to pass from one state to another of the order of deacon through having been reduced to the lay state, dispensed from the obligations of sacred orders and subsequently contracting marriage. Therefore transitory deacons who have been reduced to the lay state and then married, may not be re-admitted into the ranks of the clergy as married permanent deacons. This is both to safeguard ecclesiastical celibacy and to avoid the possible consequences that it might have as regards dispensation from priestly celibacy.

We would suggest that Your Excellency offer every encouragement to Mr. Jones to continue to serve the Church as a committed layman.

Exchange of correspondence between diocesan bishop and Cong, for the Sacraments, 4 March 1985 through 31 July 1986. *RRAO* (1986): 16-20.

Inactive priests, formerly religious, seeking to return to the active ministry in the service of dioceses. Private.

Letter of petition from laicized religious priest, never married:

I, (N.N.). having been duly laicized by His Holiness, Pope Paul VI, do hereby petition for permission to return to the active practice of the priestly ministry. I do hereby submit the attached depositions in response to the questions submitted for this purpose by the Most Reverend Pio Laghi, Apostolic Pro-Nuncio for the United States of America. I pray that Your Holiness will look with favor on my request.

Information to be sought by benevolent bishop or religious community:

1. Does the petitioner face any financial or moral obligations for dependents?
2. What are the reasons and background that led to his decision to leave the active Ministry and, similarly, what now motivates his desire to return?
3. What is the course of study and program of priestly formation that he will be undertaking to ensure that he can satisfactorily serve the faithful in today's world? Particular mention should be made of the way in which he will be evaluated at the end of this period, which should also include an extended retreat.
4. Consideration should be given to whether any scandal would result from his return. This, of course, will depend to a large extent on the area of the country where he will serve.

Questions to be asked in interviews with the priest:

1. What is your full name?
2. What is your present address?
3. When and where were you born?
4. What schools/seminaries did you attend? When?
5. When were you ordained?
6. What were your priestly assignments prior to your departure from the active ministry?
7. When did you leave the active ministry? Where have you worked since then?
8. Have you ever married? Are you under any financial or moral obligations to dependents?
9. What reasons led to your decision to leave the active ministry and, similarly, what motivates you to return?
10. Are you seeking incardination into a particular diocese as a diocesan priest or do you intend to return to your religious order?
11. Would there be any scandal as a result of your return to the active ministry?
12. What course of study and program of priestly formation will you undertake to insure that you can satisfactorily serve the faithful in today's world? Who will assess/evaluate you? What about retreat opportunities?

[N.B.: The answers to the above questions were supplied by the priests, i.e., they indicated the diocesan institution where the priest in question would take courses, which would include: Christology, theology of the Church, Sacred Scriptures, theology of worship, Catholic tradition, canon law. The program of priestly formation would include the selection of a spiritual director from among those

approved by the bishop, with the help of the pastor-supervisor.

Evaluation would include: Self-evaluation in conjunction with the spiritual director, along with evaluation in the academic and pastoral aspects of the program.]

13. What is your present practice of the faith? What parish do you attend? Is your present pastor aware of your situation and this decision and willing to provide a testimonial letter?
14. Have you ever received any professional counseling?
15. Do you wish to add or change anything?

Diocesan documentation concerning process for readmission to ministry. *RRAO* (1990): 73-75.

CANON 299

Authentic Interpretation: Juridic Personality of an Aggregate of Persons, 20 June 1987. *AAS* 80 (1988): 1818.

D. Whether a group of faithful, lacking juridical personality and even recognition envisaged in canon 299, §3, can legitimately make hierarchical recourse against a decree of its own diocesan bishop.

R. Negative as a group; affirmative as individual members of the faithful acting either singly or together, provided that they really have a grievance. However, in estimating the grievance, the judge must be allowed suitable discretion.

Pont. Comm, for the Auth Intcrp. *AAS* 80 (1988): 1818; *RRAO* (1990): 111.

CANON 319

Particular Legislation: Associations of the Christian Faithful.

The Gambia:

The diocesan bishop reserves the right to demand the yearly accounts of any lawfully approved association of Christ's faithful, with the exception of universal and international associations.

ITCABIC. 3 (1986), p. 8.

CANON 338

Nicaea II:

John Paul II, 4 December 1987, apostolic letter on the Twelfth Centenary of Nicaea II, *TPS* 33 (1988): 100-105.

CANON 343

1987 Synod of Bishops:

- John Paul II, 28 April 1987, letter to bishops on the synod's working paper. *Origins* 17 (1987): 19-20.
- John Paul II, 1 October 1987, homily at opening synod Mass. *Origins* 17 (1987): 337, 339-340.
- John Paul II, 11 October 1987, homily on the 25th Anniversary of Vatican II. *TPS* 33 (1988): 38-41.
- John Paul II, 30 October 1987, homily at closing synod Mass, *Origins* 17 (1987): 390-392.
- John Paul II, 30 October 1987, message from synod, *TPS* 33 (1988): 44-48; *Origins* 17 (1987): 385, 387-389.
- John Paul II, 30 October 1987, synod propositions, *Origins* 17 (1987): 499-509.

1990 Synod of Bishops:

- John Paul II, 30 September 1990, homily at opening synod Mass, *Origins* 20 (1990): 281-283-284
- John Paul II, 25 October 1990, speech to synod regarding First Oriental *Code of Canon Law*, *TPS* 36(1991): 88-94.
- John Paul II, 27 October 1990, closing address, *TPS* 36 (1991): 95-99.
- John Paul II, 28 October 1990, message from synod. *Origins* 20 (1990): 349, 351-353.
- John Paul II, 28 October 1990. synod propositions. *Origins* 20 (1990): 353-355.
- John Paul II, 28 October 1990, final message, *TPS* 36 (1991): 1 -104. *Origins* 20(1990): 378-380.

CANON 360

Authentic Interpretation: Status of Religious Judges of the Roman Rota, 23 May 1988. *AAS* 80 (1988): 1818.

- D. Whether religious, appointed judges of the Roman Rota, are to be considered exempt from the religious Ordinary and from the obligations deriving from religious profession, as in the case of religious raised to the episcopate.
- R. Negative to both, except in what concern the exercise of their office.

Pont. Comm, for the Auth. Interp. *AAS* 80 (1988); *RRAO* (1989): 105.

Apostolic Constitution *Pastor bonus*' 28 June 1988, *Æ* 45 80 (1988): 841-930.

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' Translation from the Latin by Francis C. C. F. Kelly, James H. Provost and Michel Thériault. In this translation, dated 31 July 1998, the English-language version of the names of the dicasteries and other agencies of the Roman Curia has been taken from a list issued by the Secretariat of State for the internal use of the Curia (letter from Most Rev. Giovanni Battista Re, Substitute for General Affairs, to Michel Thériault. 17-12-1992, prot. no. 317-300).

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The publication of the English-language translation has been authorized by the Secretariat of State (letter by Archbishop Giovanni Battista Re, substitute for general affairs, to Michel Thériault dated 1 January 1998, prot. no. 414 138.), on the condition that the Canadian Conference of Catholic Bishops gives its *recognitio* to the translation, certifying that it is faithful to the Latin original. This *recognitio* was communicated to the Holy See through a letter by Rev. Émilien Goulet, P.S.S., general secretary of the CCCB, to Archbishop Re dated 12 August 1998. In turn, Archbishop Re wrote the following to Rev. Goulet on 15 October 1998: "This Office notes that the Canadian Conference of Catholic Bishops recognizes the fidelity of this translation to the official Latin text" (prot. no. 441 133). Of course, only the original Latin text is official.

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JOHN PAUL, BISHOP
SERVANT OF THE SERVANTS OF GOD
FOR AN EVERLASTING MEMORIAL

Introduction

1. The Good Shepherd, the Lord Christ Jesus (cf. Jn 10:11-14), conferred on the bishops, the successors of the Apostles, and in a singular way on the bishop of Rome, the successor of Peter, the mission of making disciples in all nations and of preaching the Gospel to every creature. And so the Church was established, the people of God, and the task of its shepherds or pastors was indeed to be that service

“which is called very expressively in Sacred Scripture a *diaconia* or ministry.”¹

The main thrust of this service or *diaconia* is for *more and more communion or fellowship to be generated* in the whole body of the Church, and for this communion to thrive and produce good results. As the insight of the Second Vatican Council has taught us, we come, with the gentle prompting of the Holy Spirit, to see the meaning of the mystery of the Church in the manifold patterns within this communion: for the Spirit will guide “the Church in the way of all truth (cf. Jn 16:13) and [unify] her in communion and in the work of ministry, he bestows upon her varied hierarchic and charismatic gifts [...]. Constantly he renews her and leads her to perfect union with her Spouse.”² Wherefore, as the same Council affirms, “fully incorporated into the Church are those who, possessing the Spirit of Christ, accept all the means of salvation given to the Church together with her entire organization, and who – by the bonds constituted by the profession of faith, the sacraments, ecclesiastical government, and communion – are joined in the visible structure of the Church of Christ, who rules her through the Supreme Pontiff and the bishops.”³

Not only has this notion of communion been explained in the documents of the Second Vatican Council in general, especially in the Dogmatic Constitution on the Church, but it also received attention from the Fathers attending the 1985 and 1987 General Assemblies of the Synod of Bishops. Into this definition of the Church comes a convergence of the actual mystery of the Church,⁴ the orders or constituent elements of the messianic people of God,⁵ and the hierarchical constitution of the Church itself.^{6*} To describe it all in one broad expression, we take the words of the Dogmatic Constitution *Lumen gentium* just mentioned and say that “the Church, in Christ, is in the nature of sacrament – a sign and instrument, that is, of communion with God and of unity among the whole of humankind.” That is why this sacred communion thrives in the whole Church of Christ, as our predecessor Paul VI so well described it, “which lives and acts in the various Christian communities, namely, in the particular Churches dispersed throughout the whole world.”⁸

2. When one thinks about this communion, which is the force, as it were, that glues the whole Church together, then the hierarchical constitution of the Church unfolds and comes into effect. It was endowed by the Lord himself with a

¹ LG 24.

² Ibid., 4.

³ Ibid., 14.

⁴ Ibid., ch. 1.

⁵ Ibid., ch. 2.

⁶ Ibid., ch. 3.

⁷ Ibid., 1.

⁸ Ap. Const. *Vicaria: potestatis*. 06-01-1977, AAS 69 (1977) 6. CLD 8 (1973-1977) 255; cf. LG 15

primatial and collegial nature at the same time when he constituted the apostles “in the form of a college or permanent assembly, at the head of which he placed Peter, chosen from amongst them.”⁹ Here we are looking at that special concept whereby the pastors of the Church share in the threefold task of Christ – to teach, to sanctify, and to govern: and just as the apostles acted with Peter, so do the bishops together with the bishop of Rome. To use the words of the Second Vatican Council once more: “In that way, then, with priests and deacons as helpers, the bishops received the charge of the community, presiding in God’s stead over the flock of which they are the shepherds in that they are teachers of doctrine, ministers of sacred worship and holders of office in government. Moreover, just as the office which the Lord confided to Peter alone, as first of the apostles, destined to be transmitted to his successors, is a permanent one, so also endures the office, which the apostles received, of shepherding the Church, a charge destined to be exercised without interruption by the sacred order of bishops.”¹⁰ And so it comes about that “this college” – the college of bishops joined together with the bishop of Rome – “in so far as it is composed of many members, is the expression of the multifariousness and universality of the people of God; and of the unity of the flock of Christ, in so far as it is assembled under one head.”¹¹

The power and authority of the bishops bears the mark of *diaconia or stewardship*, fitting the example of Jesus Christ himself who “came not to be served, but to serve and to give his life as a ransom for many” (Mk 10:45). Therefore the power that is found in the Church is to be understood as the power of being a servant and is to be exercised in that way; before anything else it is the authority of a shepherd.

This applies to each and every bishop in his own particular Church; but all the more does it apply to the bishop of Rome, whose Petrine ministry works for the good and benefit of the universal Church. The Roman Church has charge over the “whole body of charity”¹² and so it is the servant of love. It is largely from this principle that those great words of old have come – “The servant of the servants of God” –, by which Peter’s successor is known and defined.

That is why the Roman Pontiff has also taken pains to deal carefully with the business of particular Churches, referred to him by the bishops or in some other way come to his attention, in order to encourage his brothers in the faith (cf. Lk 22:32), by means of this wider experience and by virtue of his office as Vicar of Christ and pastor of the whole Church. For he was convinced that the reciprocal communion between the bishop of Rome and the bishops throughout the world,

⁹ LG 19.

¹⁰ Ibid., 20.

¹¹ Ibid., 22.

¹² St Ignatius of Antioch. *To the Romans*, introd.. *Patres apostolici*, ed. F. X. Funk, vol. I, cd. 2a adaucta et emendata, Tubingæ. H. Laupp, 1901, p. 252.

bonded in unity, charity, and peace, brought the greatest advantage in promoting and defending the unity of faith and discipline in the whole Church.¹³

3. In the light of the foregoing, it is understood that the *diaconia* peculiar to Peter and his successors is necessarily related to the *diaconia* of the other apostles and their successors, whose sole purpose is to build up the Church in this world.

From ancient times, this essential and interdependent relation of the Petrine ministry with the task and ministry of the other apostles has demanded something of a visible sign, not just by way of a symbol but something existing in reality, and it must still demand it. Deeply conscious of the burden of apostolic toil, our predecessors have given clear and thoughtful expression to this need, as we see, for example, in the words of Innocent III who wrote to the bishops and prelates of France in 1198 when he was sending a legate to them: “Although the Lord has given us the fullness of power in the Church, a power that makes us owe something to all Christians, still we cannot stretch the limits of human nature. Since we cannot deal personally with every single concern – the law of human condition does not suffer it – we are sometimes constrained to use certain brothers of ours as extensions of our own body, to take care of things we would rather deal with in person if the convenience of the Church allowed it.”¹⁴

This gives some insight into the nature of that institution that Peter’s successor has used in exercising his mission for the good of the universal Church, and some understanding of the procedures by which the institution itself has had to carry out its task: we mean the Roman Curia, which from ancient times has been labouring to lend its help in the Petrine ministry.

For the Roman Curia came into existence for this purpose, that the fruitful communion we mentioned might be strengthened and make ever more bountiful progress, rendering more effective the task of pastor of the Church which Christ entrusted to Peter and his successors, a task that has been growing and expanding from day to day. Our predecessor Sixtus V, in the Apostolic Constitution *Immensa ceterni Dei*, admitted as much: “The Roman Pontiff, whom Christ the Lord constituted as visible head of his body, the Church, and appointed for the care of all the Churches, calls and rallies unto himself many collaborators for this immense responsibility [...]; so that he, the holder of the key of all this power, may share the huge mass of business and responsibilities among them – i.e., the cardinals – and the other authorities of the Roman Curia, and by God’s helping grace avoid breaking under the strain.”¹⁵

4. Right from the most ancient times, as a matter of fact, if we may sketch out a few lines of history, the Roman Pontiffs, in the course of their service directed

IJCf. LG 22-23,25.

¹⁴ *Die Register Innocent' III.. 1. Pontifikatsjahr 1198/99*, bearb. von O Hageneder und A. Haidacher, Graz, Köln, H. Böhlaus, 1964, pp. 515-516.

¹⁵ *Proamium*, par. 1.

to the welfare of the whole Church, have engaged the help of institutions or individual men selected from that *Church of Rome* which our predecessor Gregory the Great has called the *Church of the Blessed Apostle Peter*.⁶

At first they used the services of priests or deacons belonging to the Church of Rome to function as legates, to be sent on various missions, or to represent the bishops of Rome at ecumenical councils.

When matters of particular importance were to be dealt with, the bishops of Rome called on the help of Roman synods or councils to which they summoned bishops working in the ecclesiastical province of Rome. These councils not only dealt with questions pertaining to doctrine and the magisterium, but also functioned like tribunals, judging cases of bishops referred to the Roman Pontiff.

From the time when the cardinals began to take on a special importance in the Roman Church, especially in the election of the Pope – a function reserved to them from 1059, – the Roman Pontiffs made more and more use of their services, with the result that the Roman synods and councils gradually lost their importance until they ceased entirely.

So it came about that, especially after the thirteenth century, the Supreme Pontiff was carrying out all the business of the Church together with the cardinals gathered in consistory. Thus temporary instruments, the councils or synods of Rome, were replaced by another instrument, a permanent one, always available to the Pope.

It was our predecessor Sixtus V who gave the Roman Curia its formal organization through the above-quoted Apostolic Constitution *Immensa ætemi Dei*, on 22 January 1588, the 1587th year from the Incarnation of Our Lord Jesus Christ. He set up fifteen dicasteries, so that the single College of Cardinals would be replaced by several colleges consisting of certain cardinals whose authority would be confined to a clearly defined field and to a definite subject matter. In this way, the Supreme Pontiffs could enjoy maximum benefit from these collegial counsels. Consequently, the consistory's own original role and importance were greatly diminished.

As the centuries passed and historical outlooks and world conditions were transformed, certain changes and refinements were brought in, especially when the commissions of cardinals were set up in the nineteenth century to give the Pope assistance beyond that of the other dicasteries of the Roman Curia. Then on 29 June 1908, our predecessor Saint Pius X promulgated the Apostolic Constitution *Sapienti consilio*, in which, referring to the plan of collecting the laws of the Church into a *Code of Canon Law*, he wrote: "It has seemed most fitting to start from the Roman Curia so that, structured in a suitable way that everyone can understand, the Curia may more easily and effectively lend its help to the Roman

Pontiff and the Church.”¹⁷ Here are the principal effects of that reform: the Sacred Roman Rota, which had ceased to function in 1870, was reestablished to deal with judicial cases, while the Congregations lost their judicial competence and became purely administrative organs. The principle was also established whereby the Congregations would enjoy their own rights, deferring to nobody else, so that each individual matter was to be dealt with by its own dicastery, and not by several ones at the same time.

This reform by Pius X, later confirmed and completed in the *Code of Canon Law* promulgated in 1917 by our predecessor Benedict XV, remained fairly unchanged until 1967, not long after the Second Vatican Council in which the Church delved more deeply into the mystery of its own being and gained a more lively vision of its mission.

5. This growing self-awareness of the Church was bound of itself, and in keeping with our times, to produce a certain updating of the Roman Curia. While the Fathers of the Council acknowledged that the Curia had hitherto rendered outstanding assistance to the Roman Pontiff and the pastors of the Church, at the same time they expressed the desire that the dicasteries of the Curia should undergo a reorganization better suited to the needs of the times and of different regions and rites.¹⁸ Our predecessor Paul VI quickly complied with the wishes of the Council and put into effect the reorganization of the Curia with the promulgation of the Apostolic Constitution *Regimini Ecclesiae universae* on 15 August 1967.

Through this Constitution, Paul VI laid down more detailed specifications for the structure, competence, and procedures of the already existing dicasteries, and established new ones to support specific pastoral initiatives, while the other dicasteries would carry on their work of jurisdiction or governance. The composition of the Curia came to reflect more clearly the multiform image of the universal Church. Among other things, the Curia coopted diocesan bishops as members and at the same time saw to the internal coordination of the dicasteries by periodic meetings of the cardinals who presided over them, to pool ideas and consider common problems. To provide better protection of the principal rights of the faithful, the Second Section was created in the Tribunal of the Apostolic Signatura.

Fully aware that the reform of such ancient institutions needed more careful study, Paul VI ordered the new system to be reexamined more deeply five years after the promulgation of the Constitution, and for a new look to be taken at the question whether it really conformed to the demands of the Second Vatican Council and answered the needs of the Christian people and civil society. As far as necessary, it should be recast in an even more suitable form. To carry out this task, a special group of prelates was set up, chaired by a cardinal, and this

¹⁷ AAS 1 (1909)8.

¹⁸ Cf. CD 9.

Commission worked hard at the project, up to the death of that Pontiff.

6. When by the inscrutable design of Providence we were called to the task of being the shepherd of the universal Church, from the very beginning of our pontificate we took steps not only to seek advice from the dicasteries on this grave matter, but also to ask the opinion of the whole College of Cardinals. These cardinals, twice gathered in general consistory, addressed the question and gave their advice on the ways and means to be followed in the organization of the Roman Curia. It was necessary to consult the cardinals first in this important matter, for they are joined to the ministry of the bishop of Rome by a close and most special bond and they “are also available to [him], either acting collegially, when they are summoned together to deal with questions of major importance, or acting individually, that is, in the offices which they hold in assisting [him] especially in the daily care of the universal Church.”¹⁹

A very broad consultation, as we mentioned above, was again carried out, as was only fitting, among the dicasteries of the Roman Curia. The result of this general consultation was the “Draft of a special law concerning the Roman Curia,” worked out over close to two years by a commission of prelates under the chairmanship of a cardinal. This draft was examined by the individual cardinals, the patriarchs of the Oriental Churches, the conferences of bishops through their presidents, the dicasteries of the Roman Curia, and was discussed at the plenary meeting of cardinals in 1985. As to the conferences of bishops, it was essential that we be thoroughly briefed about their true general feeling on the needs of the particular Churches and what they wanted and expected in this regard from the Roman Curia. In gaining a clear awareness of all this, we had strong and most timely help from the 1985 extraordinary Synod of Bishops, as we have mentioned above.

Then, taking into account the observations and suggestions that had been gathered in the course of these extensive consultations, and bearing in mind the considered judgement of certain private individuals, a commission of cardinals, which had been set up for this express purpose, prepared a particular law for the Roman Curia in harmony with the new *Code of Canon Law*.

It is this particular law that we wish to promulgate by means of this Apostolic Constitution, at the end of the fourth centenary of the afore-mentioned Apostolic Constitution *Immensa æterni Dei* of Sixtus V, eighty years after the Apostolic Constitution *Sapienti consilio* of Saint Pius X, and scarcely twenty years after the coming into force of the Apostolic Constitution of Paul VI *Regimini Ecclesiæ universæ*, with which our own is closely linked, since both in some way derive from the Second Vatican Council and both originate from the same inspiration and intent.

7. In harmony with the Second Vatican Council, this inspiration and intent

¹⁹ C. 349

establish and express the steadfast activity of the renewed Curia, as in these words of the Council: “In exercising his supreme, full and immediate authority over the universal Church, the Roman Pontiff employs the various departments of the Roman Curia, which act in his name and by his authority for the good of the Churches and in service of the sacred pastors.”²⁰

Consequently, it is evident that the function of the Roman Curia, though not belonging to the essential constitution of the Church willed by God, has nevertheless *a truly ecclesial character* because it draws its existence and competence from the pastor of the universal Church. For the Curia exists and operates only insofar as it has a relation to the Petrine ministry and is based on it. But just as the ministry of Peter as the “servant of the servants of God” is exercised in relationship with both the whole Church and the bishops of the entire Church, similarly the Roman Curia, as the servant of Peter’s successor, looks only to help the whole Church and its bishops.

This clearly shows that the principal *characteristic* of each and every dicastery of the Roman Curia is that of being *ministerial*, as the already quoted words of the Decree *Christus Dominus* declare and especially these: “The Roman Pontiff *employs the various departments of the Roman Curia.*”²¹ These words clearly show the Curia’s instrumental nature, described as a kind of agent in the hands of the Pontiff, with the result that it is endowed with no force and no power apart from what it receives from the same Supreme Pastor. Paul VI himself, in 1963, two years before he promulgated the Decree *Christus Dominus*, defined the Roman Curia “as an instrument of immediate adhesion and perfect obedience,” an instrument the Pope uses to fulfill his universal mission. This notion is taken up throughout the Apostolic Constitution *Regimini Ecclesiae universae*.

This instrumental and ministerial characteristic seems indeed to define most appropriately the nature and role of this worthy and venerable institution. Its nature and role consist entirely in that the more exactly and loyally the institution strives to dedicate itself to the will of the Supreme Pontiff, the more valuable and effective is the help it gives him.

8. Beyond this ministerial character, the Second Vatican Council further highlighted what we may call the *vicarious character* of the Roman Curia, because, as we have already said, it does not operate by its own right or on its own initiative. It receives its power from the Roman Pontiff and exercises it within its own essential and innate dependence on the Pontiff. It is of the nature of this power that it always joins its own action to the will of the one from whom the power springs. It must display a faithful and harmonious interpretation of his will and manifest, as it were, an identity with that will, for the good of the Churches and service to the bishops. From this character the Roman Curia draws its energy and strength, and

²⁰CD 9.

²¹ *ibid.*

in it too finds the boundaries of its duties and its code of behaviour.

The fullness of this power resides in the head, in the very person of the Vicar of Christ, who imparts it to the dicasteries of the Curia according to the competence and scope of each one. Since, as we said earlier, the Petrine function of the Roman Pontiff by its very nature relates to the office of the college of his brother bishops and aims at building up and making firm and expanding the whole Church as well as each and every particular Church, this same *diaconia* of the Curia, which he uses in carrying out his own personal office, necessarily relates in the same way to the personal office of the bishops, whether as members of the college of bishops or as pastors of the particular Churches.

For this reason, not only is the Roman Curia far from being a *barrier or screen* blocking personal communications and dealings between bishops and the Roman Pontiff, or restricting them with conditions, but, on the contrary, it is itself the facilitator for communion and the sharing of concerns, and must be ever more so.

9. By reason of its *diaconia* connected with the Petrine ministry, one concludes, on one hand, that the Roman Curia is closely bound to the bishops of the whole world, and, on the other, that those pastors and their Churches are the first and principal beneficiaries of the work of the dicasteries. This is proved even by the composition of the Curia.

For the Roman Curia is composed of nearly all the cardinals who, by definition, belong to the Roman Church," and they closely assist the Supreme Pontiff in governing the universal Church. When important matters are to be dealt with, they are all called together into regular or special consistories.²² So they come to have a strong awareness of the needs of all of God's people, and they labour for the good of the whole Church.

In addition to this, most of the heads of the individual dicasteries have the character and grace of the episcopate, pertaining to the one College of Bishops, and so are inspired by the same solicitude for the whole Church as are all bishops in hierarchical communion with their head, the bishop of Rome.

Furthermore, as some diocesan bishops are coopted onto the dicasteries as members and are "better able to inform the Supreme Pontiff on the thinking, the hopes and the needs of all the Churches,"²⁴ so the collegial spirit between the bishops and their head works through the Roman Curia and finds *concrete* application, and this is extended to the whole Mystical Body which "is a corporate body of Churches."²⁵

This collegial spirit is also fostered between the various dicasteries. All the cardinals in charge of dicasteries, or their representatives, when specific questions

²² Cf.. Ap Const. *Vicarice potestatis*, 06-01-1977, AAS 69 (1977): 6; *CLD* 8 (1973-1977): 255.

²² Cf. c. 353.

²⁴ *CD* 10.

²³ *LG* 23.

are to be addressed, meet periodically in order to brief one another on the more important matters and provide mutual assistance in finding solutions, thus providing unity of thought and action in the Roman Curia.

Apart from these bishops, the business of the dicasteries employs a number of collaborators who are of value and service to the Petrine ministry by work that is neither light nor easy and is often obscure.

The Roman Curia calls into its service diocesan priests from all over the world, who by their sharing in the ministerial priesthood are closely united with the bishops, male religious, most of whom are priests, and female religious, all of whom in their various ways lead their lives according to the evangelical counsels, furthering the good of the Church, and bearing special witness for Christ before the world, and lay men and women who by virtue of baptism and confirmation are fulfilling their own apostolic role. By this coalition of many forces, all ranks within the Church join in the ministry of the Supreme Pontiff and more effectively help him by carrying out the pastoral work of the Roman Curia. This kind of service by all ranks in the Church clearly has no equal in civil society and their labour is given with the intent of truly serving and of following and imitating the *diaconia* of Christ himself.

10. From this comes to light that the ministry of the Roman Curia is strongly imbued with a certain note of *collegiality*, even if the Curia itself is not to be compared to any kind of college. This is true whether the Curia be considered in itself or in its relations with the bishops of the whole Church, or because of its purposes and the corresponding spirit of charity in which that ministry has to be conducted. This collegiality enables it to work for the college of bishops and equips it with suitable means for doing so. Even more, it expresses the solicitude that the bishops have for the whole Church, inasmuch as bishops share this kind of care and zeal “with Peter and under Peter.”

This comes out most strikingly and takes on a symbolic force when, as we have already said above, the bishops are called to collaborate in the individual dicasteries. Moreover, each and every bishop still has the inviolable right and duty to approach the successor of Saint Peter, especially by means of the visits *ad limina Apostolorum*.

These visits have a special meaning all of their own. in keeping with the ecclesiological and pastoral principles explained above. Indeed, they are first of all an opportunity of the greatest importance, and they constitute, as it were, the centre of the highest ministry committed to the Supreme Pontiff. For then the pastor of the universal Church talks and communicates with the pastors of the particular Churches, who have come to him in order to see Cephas (cf. Gal 1:18), to deal with him concerning the problems of their dioceses, face to face and in private, and so to share with him the solicitude for all the Churches (cf. 2 Cor 11:28). For these reasons, communion and unity in the innermost life of the Church is fostered to the highest degree through the *ad limina* visits.

These visits also allow the bishops a frequent and convenient way to contact the appropriate dicasteries of the Roman Curia, pondering and exploring plans concerning doctrine and pastoral action, apostolic initiatives, and any difficulties obstructing their mission to work for the eternal salvation of the people committed to them.

11. Thus since the zealous activity of the Roman Curia, united to the Petrine ministry and based on it, is dedicated to the good both the whole Church and the particular Churches, the Curia is in the first place being called on to fulfill that *ministry of unity* which has been entrusted in a singular way to the Roman Pontiff insofar as he has been set up by God's will as the permanent and visible foundation of the Church. Hence unity in the Church is a precious treasure to be preserved, defended, protected, and promoted, to be for ever exalted with the devoted cooperation of all, and most indeed by those who each in their turn *are the visible source and foundation of unity in their own particular Churches*.²⁶

Therefore the cooperation which the Roman Curia brings to the Supreme Pontiff is rooted in this ministry of unity. This unity is in the first place the *unity of faith*, governed and constituted by the sacred deposit of which Peter's successor is the chief guardian and protector and through which indeed he receives his highest responsibility, that of strengthening his brothers. The unity is likewise the *unity of discipline*, the general discipline of the Church, which constitutes a system of norms and patterns of behaviour, gives shapes to the fundamental structure of the Church, safeguards the means of salvation and their correct administration, together with the ordered structure of the people of God.

Church government safeguards this unity and cares for it at all times. So far from suffering harm from the differences of life and behaviour among various persons and cultures, what with the immense variety of gifts poured out by the Holy Spirit, this same unity actually grows richer year by year, so long as there are no isolationist or centripetal attempts and so long as everything is brought together into the higher structure of the one Church. Our predecessor John Paul I brought this principle to mind quite admirably when he addressed the cardinals about the agencies of the Roman Curia: "[They] provide the Vicar of Christ with the concrete means of giving the apostolic service that he owes the entire Church. Consequently, they guarantee an organic articulation of legitimate autonomies, while maintaining an indispensable respect for that unity of discipline and faith for which Christ prayed on the very eve of his passion."²⁷

And so it is that the highest ministry of unity in the universal Church has much respect for lawful customs, for the mores of peoples and for that authority which belongs by divine right to the pastors of the particular Churches. Clearly however, whenever serious reasons demand it, the Roman Pontiff cannot fail to intervene in

²⁴ Cf *ibid.* 23.

²⁷ Allocution to the cardinals, 30-08-1978, *AAS* 70 (1978): 703, *TPS* 23 (1978): 318-319.

order to protect unity in faith, in charity, or in discipline.

12. Consequently, since the mission of the Roman Curia is ecclesial, it claims the cooperation of the whole Church to which it is directed. For no one in the Church is cut off from others and each one indeed makes up the one and the same body with all others.

This kind of cooperation is carried out through that communion we spoke of at the beginning, namely of life, charity, and truth, for which the messianic people is set up by Christ Our Lord, taken up by Christ as an instrument of redemption, and sent out to the whole world as the light of the world and the salt of the earth. Therefore, just as it is the duty of the Roman Curia to communicate with all the Churches, so the pastors of the particular Churches, governing these Churches “as vicars and legates of Christ,”²⁹ must take steps to communicate with the Roman Curia, so that, dealing thus with each other in all trust, they and the successor of Peter may come to be bound together ever so strongly.

This mutual communication between the centre of the Church and the periphery does not enlarge the scope of anyone’s authority but promotes *communion* in the highest degree, in the manner of a living body that is constituted and activated precisely by the interplay of all its members. This was well expressed by our predecessor Paul VI: “It is obvious, in fact, that along with the movement toward the centre and heart of the Church, there must be another corresponding movement, spreading from the centre to the periphery and carrying, so to speak, to each and all of the local Churches, to each and all of the pastors and the faithful, the presence and testimony of that treasure of truth and grace of which Christ has made Us the partaker, depository and dispenser.”³⁰

All of this means that the ministry of salvation offers more effectively to this one and same people of God, a ministry, we repeat, which before anything else demands mutual help between the pastors of the particular Churches and the pastor of the whole Church, so that all may bring their efforts together and strive to fulfill that supreme law which is the salvation of souls.

History shows that when the Roman Pontiffs established the Roman Curia and adapted it to new conditions in the Church and in the world, they intended nothing other than to work all the better for this salvation of souls. With full justification did Paul VI visualise the Roman Curia as another cenacle or upper room of Jerusalem totally dedicated to the Church.³¹ We ourselves have proclaimed to all who work there that the only possible code of action is to set the norm for the

^a Cf. *LG* 9.

²⁹ *Ibid.*, 27.

³⁰ M.P. *Sollicitudo omnium Ecclesiarum*. 24-01-1969. AAS 61 (1969): 475; *TPS* 14 (1969) 261.

³¹ Allocution to the participants in the spiritual exercises held at the Apostolic Palace, 17-03-1973, *Insegnamenti di Paolo VI* 11 (1973): 257.

Church and to deliver eager service to the Church.³² Indeed, in this new legislation on the Roman Curia it has been our will to insist that the dicasteries should approach all questions “by a pastoral route and with a pastoral sense of judgement, aiming at justice and the good of the Church and above all at the salvation of souls.”³³

13. Now as we are about to promulgate this Apostolic Constitution, laying down the new physiognomy of the Roman Curia, we wish to bring together the ideas and intentions that have guided us.

First of all we wanted the image and features of this Curia to respond to the demands of our time, bearing in mind the changes that have been made by us or our predecessor Paul VI after the publication of the Apostolic Constitution *Regimini Ecclesiae universae*.

Then it was our duty to fulfill and complete that renewal of the laws of the Church which was brought in by the publication of the new *Code of Canon Law* or which is to be brought into effect by the revision of the Oriental canonical legislation.

Then we had in mind that the traditional dicasteries and organs of the Roman Curia be made more suitable for the purposes they were meant for, that is, their share in governance, jurisdiction, and administration. For this reason, their areas of competence have been distributed more aptly among them and more distinctly delineated.

Then with an eye to what experience has taught in recent years and to the never ending demands of Church society, we reexamined the juridical figure and reason of existence of those organs which are rightly called “postconciliar,” changing on occasion their shape and organization. We did this in order to make the work of those institutions more and more useful and beneficial, that is, supporting special pastoral activity and research in the Church which, at an ever accelerating pace, are filling pastors with concern and which with the same urgency demand timely and well thought out answers.

Finally, new and more stable measures have been devised to promote mutual cooperation between dicasteries, so that their manner of working may intrinsically bear the stamp of unity.

In a word, our whole steadfast approach has been to make sure that the structure and working methods of the Roman Curia increasingly correspond to the ecclesiology spelled out by the Second Vatican Council, be ever more clearly suitable for achieving the pastoral purposes of its own constitution, and more and more fit to meet the needs of Church and civil society.

It is indeed our conviction that now, at the beginning of the third millennium

; Cf. /Elocution to the Roman Curia. 28-06-1986, *Insegnamenti di Giovanni Paolo II* 9 (1986), part 1, 1954; *Origins* 16(1986-1987): 192.

³³ Art. 15.

after the birth of Christ, the zeal of the Roman Curia in no small measure contributes to the fact that the Church might remain faithful to the mystery of her origin,³⁴ since the Holy Spirit keeps her ever young by the power of the Gospel.³⁵

14. Having given thought to all these matters with the help of expert advisors, sustained by the wise counsel and collegial spirit of the cardinals and bishops, having diligently studied the nature and mission of the Roman Curia, we have commanded that this Apostolic Constitution be drawn up, led by the hope that this venerable institution, so necessary to the government of the Church, may respond to that new pastoral impulse by which all the faithful are moved, laity, priests and particularly bishops, especially now after the Second Vatican Council, to listen ever more deeply and follow what the Spirit is saying to the Churches (cf. Acts 2:7).

Just as all the pastors of the Church, and among them in a special way the bishop of Rome, are keenly aware that they are “Christ’s servants, stewards entrusted with the mysteries of God” (1 Cor 4:1) and seek above all to be utterly loyal helpers whom the Eternal Father may easily use to carry out the work of salvation in the world, so also the Roman Curia has this strong desire, in each and every sphere of its important work, to be filled with the same spirit and the same inspiration; the Spirit, we say, of the Son of Man, of Christ the only begotten of the Father, who “has come to save what was lost” (Mt 18:11) and whose single and all-embracing wish is that all men “may have life and have it to the full” (Jn 10:10).

Therefore, with the help of God’s grace and of the Most Blessed Virgin Mary, the Mother of the Church, we establish and decree the following norms for the Roman Curia.

I. GENERAL NORMS

The Notion of Roman Curia

Art. 1 – The Roman Curia is the complex of dicasteries and institutes which help the Roman Pontiff in the exercise of his supreme pastoral office for the good and service of the whole Church and of the particular Churches. It thus strengthens the unity of the faith and the communion of the people of God and promotes the mission proper to the Church in the world.

The Structure of the Dicasteries

Art. 2 – § 1. By the word “dicasteries” are understood the Secretariat of State,

³⁴Cf. Enc. *Dominum et vivificantem* 66, 18-05-1986. *AAS* 78 (1986): 896-897; *Origins* 16(1986-1987): 99.

³⁵Cf. *LG* 4.

Congregations, Tribunals, Councils and Offices, namely the Apostolic Camera, the Administration of the Patrimony of the Apostolic See, and the Prefecture for the Economic Affairs of the Holy See.

§2. The dicasteries are juridically equal among themselves.

§3. Among the institutes of the Roman Curia are the Prefecture of the Papal Household and the Office for the Liturgical Celebrations of the Supreme Pontiff.

Art. 3 – §1. Unless they have a different structure in virtue of their specific nature or some special law, the dicasteries are composed of the cardinal prefect or the presiding archbishop, a body of cardinals and of some bishops, assisted by a secretary, consultors, senior administrators, and a suitable number of officials.

§2. According to the specific nature of certain dicasteries, clerics and other faithful can be added to the body of cardinals and bishops.

§3. Strictly speaking, the members of a congregation are the cardinals and the bishops.

Art. 4. – The prefect or president acts as moderator of the dicastery, directs it and acts in its name.

The secretary, with the help of the undersecretary, assists the prefect or president in managing the business of the dicastery as well as its human resources.

Art. 5 – § 1. The prefect or president, the members of the body mentioned in art. 3, §1, the secretary, and the other senior administrators, as well as the consultors, are appointed by the Supreme Pontiff for a five-year term.

§2. Once they have completed seventy-five years of age, cardinal prefects are asked to submit their resignation to the Roman Pontiff, who will provide, all things considered. Other moderators and secretaries cease from office, having completed seventy-five years of age; members, when they have completed eighty years of age; those who are attached to any dicastery by reason of their office cease to be members when their office ceases.

Art. 6 – On the death of the Supreme Pontiff, all moderators and members of the dicasteries cease from their office. The camerlengo of the Roman Church and the major penitentiary are excepted, who expedite ordinary business and refer to the College of Cardinals those things which would have been referred to the Supreme Pontiff.

The secretaries see to the ordinary operations of the dicasteries, taking care of ordinary business only; they need to be confirmed in office by the Supreme Pontiff within three months of his election.

Art. 7 – The members of the body mentioned in art. 3, § 1, are taken from among the cardinals living in Rome or outside the city, to whom are added some bishops, especially diocesan ones, insofar as they have special expertise in the matters being dealt with; also, depending on the nature of the dicastery, some clerics and other Christian faithful, with this proviso that matters requiring the exercise of power of governance be reserved to those in holy orders.

Art 8 – Consultors also are appointed from among clerics or other Christian

faithful outstanding for their knowledge and prudence, taking into consideration, as much as possible, the international character of the Church.

Art. 9 – Officials are taken from among the Christian faithful, clergy or laity, noted for their virtue, prudence, and experience, and for the necessary knowledge attested by suitable academic degrees, and selected as far as possible from the various regions of the world, so that the Curia may express the universal character of the Church. The suitability of the applicants should be evaluated by test or other appropriate means, according to the circumstances.

Particular Churches, moderators of institutes of consecrated life and of societies of apostolic life will not fail to render assistance to the Apostolic See by allowing their Christian faithful or their members to be available for service at the Roman Curia.

Art. 10 – Each dicastery is to have its own archive where incoming documents and copies of documents sent out are kept safe and in good order in a system of “protocol” organized according to modern methods.

Procedure

Art. 11 – § 1. Matters of major importance are reserved to the general meeting, according to the nature of each dicastery.

§2. All members must be called in due time to the plenary sessions, held as far as possible once a year, to deal with questions involving general principles, and for other questions which the prefect or president may have deemed to require treatment. For ordinary sessions it is sufficient to convoke members who reside in Rome.

§3. The secretary participates in all sessions with the right to vote.

Art. 12 – Consultors and those who are equivalent to them are to make a diligent study of the matter in hand and to present their considered opinion, usually in writing.

So far as opportunity allows and depending on the nature of each dicastery, consultors can be called together to examine questions in a collegial fashion and, as the case may be, present a common position.

For individual cases, others can be called in for consultation who, although not numbered among the consultors, are qualified by their special expertise in the matter to be treated.

Art. 13 – Depending on their own proper field of competence, the dicasteries deal with those matters which, because of their special importance, either by their nature or by law, are reserved to the Apostolic See and those which exceed the competence of individual bishops and their groupings, as well as those matters committed to them by the Supreme Pontiff. The dicasteries study the major problems of the present age, so that the Church’s pastoral action may be more effectively promoted and suitably coordinated, with due regard to relations with the

particular Churches. The dicasteries promote initiatives for the good of the universal Church. Finally, they review matters that the Christian faithful, exercising their own right, bring to the attention of the Apostolic See.

Art. 14 – The competence of dicasteries is defined on the basis of subject matter, unless otherwise expressly provided for.

Art. 15 – Questions are to be dealt with according to law, be it universal law or the special law of the Roman Curia, and according to the norms of each dicastery, yet with pastoral means and criteria, attentive both to justice and the good of the Church and, especially, to the salvation of souls.

Art. 16 – Apart from the official Latin language, it is acceptable to approach the Roman Curia in any of the languages widely known today.

For the convenience of the dicasteries, a centre is being established for translating documents into other languages.

Art. 17 – General documents prepared by one dicastery will be communicated to other interested dicasteries, so that the text may be improved with any corrections that may be suggested, and, through common consultation, it may even be proceeded in a coordinated manner to their implementation.

Art. 18 – Decisions of major importance are to be submitted for the approval of the Supreme Pontiff, except decisions for which special faculties have been granted to the moderators of the dicasteries as well as the sentences of the Tribunal of the Roman Rota and the Supreme Tribunal of the Apostolic Signatura within the limits of their proper competence.

The dicasteries cannot issue laws or general decrees having the force of law or derogate from the prescriptions of current universal law, unless in individual cases and with the specific approval of the Supreme Pontiff.

It is of the utmost importance that nothing grave and extraordinary be transacted unless the Supreme Pontiff be previously informed by the moderators of the dicasteries.

Art. 19 – §1. Hierarchical recourses are received by whichever dicastery has competence in that subject matter, without prejudice to art. 21, § 1.

§2. Questions, however, which are to be dealt with judicially are sent to the competent tribunals, without prejudice to arts. 52-53.

Art. 20 – Conflicts of competence arising between dicasteries are to be submitted to the Supreme Tribunal of the Apostolic Signatura, unless it pleases the Supreme Pontiff to deal with them otherwise.

Art. 21 – § 1. Matters touching the competence of more than one dicastery are to be examined together by the dicasteries concerned.

To enable them to exchange advice, a meeting will be called by the moderator of the dicastery which has begun to deal with the matter, either on his own initiative or at the request of another dicastery concerned. However, if the subject matter demands it, it may be referred to a plenary session of the dicasteries concerned.

The meeting will be chaired by the moderator of the dicastery who called the

meeting or by its secretary, if only the secretaries are meeting.

§2. Where needed, permanent interdicasterial commissions will be set up to deal with matters requiring mutual and frequent consultation.

The Meetings of Cardinals

Art. 22 – By mandate of the Supreme Pontiff, the cardinals in charge of dicasteries meet together several times a year to examine more important questions, coordinate their activities, so that they may be able to exchange information and take counsel.

Art. 23 – More serious business of a general character can be usefully dealt with, if the Supreme Pontiff so decides, by the cardinals assembled in plenary consistory according to proper law.

The Council of Cardinals for the Study of Organizational and Economic Questions of the Apostolic See

Art. 24 – The Council of Cardinals for the Study of Organizational and Economic Questions of the Apostolic See consists of fifteen cardinals who head particular Churches from various parts of the world and are appointed by the Supreme Pontiff for a five-year term of office.

Art. 25 – § 1. The Council is convened by the cardinal secretary of state, usually twice a year, to consider those economic and organizational questions which relate to the administration of the Holy See, with the assistance, as needed, of experts in these affairs.

§2. The Council also considers the activities of the special institute which is erected and located within the State of Vatican City in order to safeguard and administer economic goods placed in its care with the purpose of supporting works of religion and charity. This institute is governed by a special law.

Relations with Particular Churches

Art. 26 – § 1. Close relations are to be fostered with particular Churches and groupings of bishops, seeking out their advice when preparing documents of major importance that have a general character.

§2. As far as possible, documents of a general character or having a special bearing on their particular Churches should be communicated to the bishops before they are made public.

§3. Questions brought before the dicasteries are to be diligently examined and, without delay, an answerer, at least, a written acknowledgement of receipt, insofar as this is necessary, should be sent.

Art. 27 – Dicasteries should not omit to consult with papal legates regarding

business affecting the particular Churches where the legates are serving, nor should they omit to communicate to the legates the results of their deliberations.

"Ad limina" Visits

Art. 28 – In keeping with a venerable tradition and the prescriptions of law, bishops presiding over particular Churches visit the tombs of the Apostles at predetermined times and on that occasion present to the Roman Pontiff a report on the state of their diocese.

Art. 29 – These kinds of visits have a special importance in the life of the Church, marking as they do the summit of the relationship between the pastors of each particular Church with the Roman Pontiff. For he meets his brother bishops, and deals with them about matters concerning the good of the Churches and the bishops' role as shepherds, and he confirms and supports them in faith and charity. This strengthens the bonds of hierarchical communion and openly manifests the catholicity of the Church and the unity of the episcopal college.

Art. 30 – The *ad limina* visits also concern the dicasteries of the Roman Curia. For through these visits a helpful dialogue between the bishops and the Apostolic See is increased and deepened, information is shared, advice and timely suggestions are brought forward for the greater good and progress of the Churches and for the observance of the common discipline of the Church.

Art. 31 – These visits are to be prepared very carefully and appropriately so that they proceed well and enjoy a successful outcome in their three principal stages: namely, the pilgrimage to the tombs of the Princes of the Apostles and their veneration, the meeting with the Supreme Pontiff, and the meetings at the dicasteries of the Roman Curia.

Art. 32 – For this purpose, the report on the state of the diocese should be sent to the Holy See six months before the time set for the visit. It is to be examined with all diligence by the competent dicasteries, and their remarks are to be shared with a special committee convened for this purpose so that a brief synthesis of these may be drawn up and be readily at hand in the meetings.

The Pastoral Character of the Activity of the Roman Curia

Art. 33 – The activity of all who work at the Roman Curia and the other institutes of the Holy See is a true ecclesial service, marked with a pastoral character, that all must discharge with a deep sense of duty as well as in a spirit of service, as it is a sharing in the world-wide mission of the bishop of Rome.

Art. 34 – Each individual dicastery pursues its own end, yet dicasteries cooperate with one another. Therefore, all who are working in the Roman Curia are to do so in such a way that their work may come together and be forged into

one. Accordingly, all must always be prepared to offer their services wherever needed.

Art. 35 – Although any work performed within the institutes of the Holy See is a sharing in the apostolic action, priests are to apply themselves as best they can to the care of souls, without prejudice however to their own office.

The Central Labour Office

Art. 36 – According to its own terms of reference, the Central Labour Office deals with working conditions within the Roman Curia and related questions.

Regulations

Art. 37 – To this Apostolic Constitution is added an *Ordo servandus* or common norms setting forth the ways and means of transacting business in the Curia itself, without prejudice to the norms of this Constitution.

Art. 38 – Each dicastery is to have its own *Ordo servandus* or special norms setting forth the ways and means of transacting business within it.

The *Ordo servandus* of each dicastery shall be made public in the usual manner of the Apostolic See.

IL THE SECRETARIAT OF STATE

Art. 39 – The Secretariat of State provides close assistance to the Supreme Pontiff in the exercise of his supreme office.

Art. 40 – The Secretariat is presided over by the Cardinal Secretary of State. It is composed of two sections, the First being the *Section for General Affairs*, under the direct control of the substitute, with the help of the assessor; the Second being the *Section for Relations with States*, under the direction of its own secretary, with the help of the undersecretary. Attached to this latter section is a council of cardinals and some bishops.

The First Section

Art. 41 – § 1. It is the task of the First Section in a special way to expedite the business concerning the daily service of the Supreme Pontiff; to deal with those matters which arise outside the ordinary competence of the dicasteries of the Roman Curia and of the other institutes of the Apostolic See; to foster relations with those dicasteries and coordinate their work, without prejudice to their autonomy; to supervise the office and work of the legates of the Holy See, especially as concerns the particular Churches. This section deals with everything concerning the ambassadors of States to the Holy See.

§2. In consultation with other competent dicasteries, this section takes care of matters concerning the presence and activity of the Holy See in international organizations, without prejudice to art. 46. It does the same concerning Catholic international organizations.

Art. 42 – It is also the task of the First Section:

1° to draw up and dispatch apostolic constitutions, decretal letters, apostolic letters, epistles, and other documents entrusted to it by the Supreme Pontiff;

2° to prepare the appropriate documents concerning appointments to be made or approved by the Supreme Pontiff in the Roman Curia and in the other institutes depending on the Holy See;

3° to guard the leaden seal and the Fisherman's ring.

Art. 43 – It is likewise within the competence of this Section:

1° to prepare for publication the acts and public documents of the Holy See in the periodical entitled *Acta Apostolicæ Sedis*;

2° through its special office commonly known as the *Press Office*, to publish official announcements of acts of the Supreme Pontiff or of the activities of the Holy See;

3° in consultation with the Second Section, to oversee the newspaper called *L'Osservatore romano*, the Vatican Radio Station, and the Vatican Television Centre.

Art. 44 – Through the *Central Statistical Office*, it collects, organizes, and publishes all data, set down according to statistical standards, concerning the life of the whole Church throughout the world.

The Second Section

Art. 45 – The Section for Relations with States has the special task of dealing with heads of government.

Art. 46 – The Section for Relations with States has within its competence:

1° to foster relations, especially those of a diplomatic nature, with States and other subjects of public international law, and to deal with matters of common interest, promoting the good of the Church and of civil society by means of concordats and other agreements of this kind, if the case arises, while respecting the considered opinions of the groupings of bishops that may be affected;

2° in consultation with the competent dicasteries of the Roman Curia, to represent the Holy See at international organizations and meetings concerning questions of a public nature;

3° within the scope of its competence, to deal with what pertains to the papal legates.

Art. 47 – §1. In special circumstances and by mandate of the Supreme Pontiff, and in consultation with the competent dicasteries of the Roman Curia, this Section takes action for the provision of particular Churches, and for the constitution of and

changes to these Churches and their groupings.

§2. In other cases, especially where a concordat is in force, and without prejudice to art. 78, this Section has competence to transact business with civil governments.

III. THE CONGREGATIONS

The Congregation for the Doctrine of the Faith

Art. 48 – The proper duty of the Congregation for the Doctrine of the Faith is to promote and safeguard the doctrine on faith and morals in the whole Catholic world; so it has competence in things that touch this matter in any way.

Art. 49 – Fulfilling its duty of promoting doctrine, the Congregation fosters studies so that the understanding of the faith may grow and a response in the light of the faith may be given to new questions arising from the progress of the sciences or human culture.

Art. 50 – It helps the bishops, individually or in groups, in carrying out their office as authentic teachers and doctors of the faith, an office that carries with it the duty of promoting and guarding the integrity of that faith.

Art. 51 – To safeguard the truth of faith and the integrity of morals, the Congregation takes care lest faith or morals suffer harm through errors that have been spread in any way whatever.

Wherefore:

1° it has the duty of requiring that books and other writings touching faith or morals, being published by the Christian faithful, be subjected to prior examination by the competent authority;

2° it examines carefully writings and opinions that seem to be contrary or dangerous to true faith, and, if it is established that they are opposed to the teaching of the Church, reproves them in due time, having given authors full opportunity to explain their minds, and having forewarned the Ordinary concerned; it brings suitable remedies to bear, if this be opportune.

3° finally, it takes good care lest errors or dangerous doctrines, which may have been spread among the Christian people, do not go without apt rebuttal.

Art. 52 – The Congregation examines offences against the faith and more serious ones both in behaviour or in the celebration of the sacraments which have been reported to it and, if need be, proceeds to the declaration or imposition of canonical sanctions in accordance with the norms of common or proper law.

Art. 53 – It is to examine whatever concerns the privilege of the faith, both in law and in fact.

Art. 54 – Documents being published by other dicasteries of the Roman Curia, insofar as they touch on the doctrine of faith or morals, are to be subjected to its prior judgement.

Art. 55 – Established within the Congregation for the Doctrine of the Faith are the Pontifical Biblical Commission and the International Theological Commission, which act according to their own approved norms and are presided over by the cardinal prefect of this Congregation.

The Congregation for the Oriental Churches

Art. 56 – The Congregation for the Oriental Churches considers those matters, whether concerning persons or things, affecting the Catholic Oriental Churches.

Art. 57 – §1. The patriarchs and major archbishops of the Oriental Churches, and the president of the Council for Promoting Christian Unity, are *ipso iure* members of this Congregation.

§2. The consultors and officials are to be selected in such a way as to reflect as far as possible the diversity of rites.

Art. 58 – § 1. The competence of this Congregation extends to all matters which are proper to the Oriental Churches and which are to be referred to the Apostolic See, whether concerning the structure and organization of the Churches, the exercise of the office of teaching, sanctifying and governing, or the status, rights, and obligations of persons. It also handles everything that has to be done concerning quinquennial reports and the *ad limina* visits in accordance with arts. 31-32.

§2. This however does not infringe on the proper and exclusive competence of the Congregations for the Doctrine of the Faith and for the Causes of Saints, of the Apostolic Penitentiary, the Supreme Tribunal of the Apostolic Signatura or the Tribunal of the Roman Rota, as well as of the Congregation for Divine Worship and the Discipline of the Sacraments for what pertains to dispensation from a marriage *ratum et non consummatum*.

In matters which also affect the faithful of the Latin Church, the Congregation will proceed, if the matter is sufficiently important, in consultation with the dicastery that has competence in the same matter for the faithful of the Latin Church.

Art. 59 – The Congregation pays careful attention to communities of Oriental Christian faithful living within the territories of the Latin Church, and attends to their spiritual needs by providing visitators and even a hierarchy of their own, so far as possible and where numbers and circumstances demand it, in consultation with the Congregation competent for the establishment of particular Churches in that region.

Art. 60 – In regions where Oriental rites have been preponderant from ancient times, apostolic and missionary activity depends solely on this Congregation, even if it is carried out by missionaries of the Latin Church.

Art. 61 – The Congregation proceeds in collaboration with the Council for Promoting Christian Unity in matters which may concern relations with non-

Catholic Oriental Churches and with the Council for Inter-religious Dialogue in matters within the scope of this Council.

The Congregation for Divine Worship and
the Discipline of the Sacraments

Art. 62 – The Congregation for Divine Worship and the Discipline of the Sacraments does whatever pertains to the Apostolic See concerning the regulation and promotion of the sacred liturgy, primarily of the sacraments, without prejudice to the competence of the Congregation for the Doctrine of the Faith.

Art. 63 – It fosters and safeguards the regulation of the administration of the sacraments, especially regarding their valid and licit celebration. It grants favours and dispensations not contained in the faculties of diocesan bishops in this subject matter.

Art. 64 – §1. By effective and suitable means, the Congregation promotes liturgical pastoral activity, especially regarding the celebration of the Eucharist; it gives support to the diocesan bishops so that the Christian faithful may share more and more actively in the sacred liturgy.

§2. It sees to the drawing up and revision of liturgical texts. It reviews particular calendars and proper texts for the Mass and the Divine Office for particular Churches and institutes which enjoy that right.

§3. It grants the *recognitio* to translations of liturgical books and their adaptations that have been lawfully prepared by conferences of bishops.

Art. 65 – The Congregation fosters commissions or institutes for promoting liturgical apostolate or sacred music, song or art, and it maintains relations with them. In accordance with the law, it erects associations which have an international character or approves or grants the *recognitio* to their statutes. Finally, it contributes to the progress of liturgical life by encouraging meetings from various regions.

Art. 66 – The Congregation provides attentive supervision so that liturgical norms are accurately observed, abuses avoided, and that they be eradicated where they are found to exist.

Art. 67 – This Congregation examines the fact of non-consummation in a marriage and the existence of a just cause for granting a dispensation. It receives all the acts together with the *votum* of the bishop and the remarks of the defender of the bond, weighs them according to its own special procedure, and, if the case warrants it, submits a petition to the Supreme Pontiff requesting the dispensation.

Art. 68 – It is also competent to examine, in accordance with the law, cases concerning the nullity of sacred ordination.

Art. 69 – This Congregation has competence concerning the cult of sacred relics, the confirmation of heavenly patrons and the granting of the title of minor basilica.

Art. 70 – The Congregation gives assistance to bishops so that, in addition to liturgical worship, the prayers and pious exercises of the Christian people, in full harmony with the norms of the Church, may be fostered and held in high esteem.

The Congregation for the Causes of Saints

Art. 71 – The Congregation for the Causes of Saints deals with everything which, according to the established way, leads to the canonization of the servants of God.

Art. 72 – § 1. With special norms and timely advice, it assists diocesan bishops, who have competence to instruct the cause.

§2. It considers causes that have already been instructed, inquiring whether everything has been carried out in accordance with the law. It thoroughly examines the causes that have thus been reviewed, in order to judge whether everything required is present for a favorable recommendation to be submitted to the Supreme Pontiff, according to the previously established classification of causes.

Art. 73 – The Congregation also is competent to examine what is necessary for the granting of the title of doctor to saints, after having received the recommendation of the Congregation for the Doctrine of the Faith concerning outstanding teaching.

Art. 74 – Moreover, it has competence to decide everything concerning the authentication of holy relics and their preservation.

The Congregation for Bishops

Art. 75 – The Congregation for Bishops examines what pertains to the establishment and provision of particular Churches and to the exercise of the episcopal office in the Latin Church, without prejudice to the competence of the Congregation for the Evangelization of Peoples.

Art. 76 – This Congregation deals with everything concerning the constitution, division, union, suppression, and other changes of particular Churches and of their groupings. It also erects military ordinariates for the pastoral care of the armed forces.

Art. 77 – It deals with everything concerning the appointment of bishops, even titular ones, and generally with the provision of particular Churches.

Art. 78 – Whenever it is a matter of dealing with civil governments, either in establishing or modifying particular Churches and their groupings or in the provision of these Churches, this Congregation must proceed only after consultation with the Section for Relations with States of the Secretariat of State.

Art. 79 – Furthermore, the Congregation applies itself to matters relating to the correct exercise of the pastoral function of the bishops, by offering them every kind of assistance. For it is part of its duty to initiate general apostolic visitations where

needed, in agreement with the dicasteries concerned and, in the same manner, to evaluate their results and to propose to the Supreme Pontiff the appropriate actions to be taken.

Art. 80 – This Congregation has competence over everything involving the Holy See in the matter of personal prelatures.

Art. 81 – For the particular Churches assigned to its care, the Congregation takes care of everything with respect to the *ad limina* visits; so it studies the quinquennial reports, submitted in accordance with art. 32. It is available to the bishops who come to Rome, especially to see that suitable arrangements are made for the meeting with the Supreme Pontiff and for other meetings and pilgrimages. When the visit is completed, it communicates in writing to the diocesan bishops the conclusions concerning their dioceses.

Art. 82 – The Congregation deals with matters pertaining to the celebration of particular councils as well as the erection of conferences of bishops and the *recognitio* of their statutes. It receives the acts of these bodies and, in consultation with the dicasteries concerned, it examines the decrees which require the *recognitio* of the Apostolic See.

The Pontifical Commission for Latin America

Art. 83 – §1. The function of the Pontifical Commission for Latin America is to be available to the particular Churches in Latin America, by counsel and by action, taking a keen interest in the questions that affect the life and progress of those Churches; and especially to help the Churches themselves in the solution of those questions, or to be helpful to those dicasteries of the Curia that are involved by reason of their competence.

§2. It is also to foster relations between the national and international ecclesiastical institutes that work for the regions of Latin America and the dicasteries of the Roman Curia.

Art. 84 – § 1. The president of the Commission is the prefect of the Congregation for Bishops, assisted by a bishop as vice-president.

They have as counselors some bishops either from the Roman Curia or selected from the Churches of Latin America.

§2. The members of the Commission are selected either from the dicasteries of the Roman Curia or from the *Consejo episcopal latinoamericano*, whether they be from among the bishops of Latin America or from the institutes mentioned in the preceding article.

§3. The Commission has its own staff.

The Congregation for the Evangelization of Peoples

Art. 85 – It pertains to the Congregation for the Evangelization of Peoples to

direct and coordinate throughout the world the actual work of spreading the Gospel as well as missionary cooperation, without prejudice to the competence of the Congregation for the Oriental Churches.

Art. 86-The Congregation promotes research in mission theology, spirituality and pastoral work; it likewise proposes principles, norms, and procedures, fitting the needs of time and place, by which evangelization is carried out.

Art. 87 - The Congregation strives to bring the people of God, well aware of their duty and filled with missionary spirit, to cooperate effectively in the missionary task by their prayers and the witness of their lives, by their active work and contributions.

Art. 88 - §1. It takes steps to awaken missionary vocations, whether clerical, religious, or lay, and advises on a suitable distribution of missionaries.

§2. In the territories subject to it, it also cares for the education of the secular clergy and of catechists, without prejudice to the competence of the Congregation of Seminaries and Educational Institutions³⁶ concerning the general programme of studies, as well as what pertains to the universities and other institutes of higher education.

Art. 89 - Within its competence are mission territories, the evangelization of which is committed to suitable institutes and societies and to particular Churches. For these territories it deals with everything pertaining to the establishment and change of ecclesiastical circumscriptions and to the provision of these Churches, and it carries out the other functions that the Congregation of Bishops fulfills within the scope of its competence.

Art. 90 - § 1. With regard to members of institutes of consecrated life, whether these are erected in the mission territories or are just working there, the Congregation enjoys competence in matters touching those members as missionaries, individually and collectively, without prejudice to art. 21, § 1.

§2. Those societies of apostolic life that were founded for the missions are subject to this Congregation.

Art. 91 - To foster missionary cooperation, even through the effective collection and equal distribution of subsidies, the Congregation chiefly uses the Pontifical Missionary Works, namely, the Society for the Propagation of the Faith, the Society of St. Peter the Apostle, and the Holy Childhood Association, as well as the Pontifical Missionary Union of the Clergy.

Art. 92 - Through a special office, the congregation administers its own funds and other resources destined for the missions, with full accountability to the Prefecture for the Economic Affairs of the Holy Sec.

• between art. 111 and art. 112.

The Congregation for the Clergy

Art. 93 – Without prejudice to the right of bishops and their conferences, the Congregation for the Clergy examines matters regarding priests and deacons of the secular clergy, with regard to their persons and pastoral ministry, and with regard to resources available to them for the exercise of this ministry; and in all these matters the Congregation offers timely assistance to the bishops.

Art. 94 – It has the function of promoting the religious education of the Christian faithful of all ages and conditions; it issues timely norms so that catechetical instruction is correctly conducted; it gives great attention so that catechetical formation is properly given; and, with the assent of the Congregation for the Doctrine of the Faith, it grants the prescribed approval of the Holy See for catechisms and other writings pertaining to catechetical instruction. It is available to catechetical offices and international initiatives on religious education, coordinates their activities and, where necessary, lends assistance.

Art. 95 – §1. The Congregation is competent concerning the life, conduct, rights, and obligations of clergy.

§2. It advises on a more suitable distribution of priests.

§3. It fosters the ongoing education of clergy, especially concerning their sanctification and the effective exercise of their pastoral ministry, most of all in the fitting preaching of the Word of God.

Art. 96 – This Congregation deals with everything that has to do with the clerical state as such for all clergy, including religious, in consultation with the dicasteries involved when the matter so requires.

Art. 97 – The Congregation deals with those matters that are within the competence of the Holy See:

1° both those concerning presbyteral councils, colleges of consultors, chapters of canons, pastoral councils, parishes, churches, shrines, or those concerning clerical associations, or ecclesiastical archives and records;

2° and those concerning Mass obligations as well as pious wills in general and pious foundations.

Art. 98 – The Congregation carries out everything that pertains to the Holy See regarding the regulation of ecclesiastical goods, and especially their correct administration; it grants the necessary approvals and *recognitiones*, and it further sees to it that serious thought is given to the support and social security of the clergy.

The Pontifical Commission for Preserving the Patrimony of Art and History

Art. 99 – At the Congregation for the Clergy there exists the Pontifical Commission for Preserving the Patrimony of Art and History that has the duty of

acting as curator for the artistic and historical patrimony of the whole Church.

Art. 100 – To this patrimony belong, in the first place, all works of every kind of art of the past, works that must be kept and preserved with the greatest care. Those works whose proper use has ceased are to be kept in a suitable manner in museums of the Church or elsewhere.

Art. 101 – § 1. Outstanding among valuable historical objects are all documents and materials referring and testifying to pastoral life and care, as well as to the rights and obligations of dioceses, parishes, churches, and other juridical persons in the Church.

§2. This historical patrimony is to be kept in archives or also in libraries and everywhere entrusted to competent curators lest testimonies of this kind be lost.

Art. 102 – The Commission lends its assistance to particular Churches and conferences of bishops and together with them, where the case arises, sees to the setting up of museums, archives, and libraries, and ensures that the entire patrimony of art and history in the whole territory is properly collected and safeguarded and made available to all who have an interest in it.

Art. 103 – In consultation with the Congregation for Seminaries and Educational Institutions and the Congregation for Divine Worship and the Discipline of the Sacraments, the Commission has the task of striving to make the people of God more and more aware of the need and importance of conserving the artistic and historical patrimony of the Church.

Art. 104 – The president of the Commission is the cardinal prefect of the Congregation for the Clergy, assisted by the secretary of the Commission. Moreover, the Commission has its own staff.

The Congregation for Institutes of Consecrated Life and for Societies of Apostolic Life

Art. 105 – The principal function of the Congregation for Institutes of Consecrated Life and for Societies of Apostolic Life is to promote and supervise in the whole Latin Church the practice of the evangelical counsels as they are lived in approved forms of consecrated life and, at the same time, the work of societies of apostolic life.

Art. 106 – §1. The Congregation erects and approves religious and secular institutes and societies of apostolic life, or passes judgement on the suitability of their erection by the diocesan bishop. It also suppresses such institutes and societies if necessary.

§2. The Congregation is also competent to establish, or, if need be, to rescind, the unions or federations of institutes and societies.

Art. 107 – The Congregation for its part takes care that institutes of consecrated life and societies of apostolic life grow and flourish according to the spirit of their founders and healthy traditions, faithfully follow their proper purpose and truly

benefit the salvific mission of the Church.

Art. 108 – §1. It deals with everything which, in accordance with the law, belongs to the Holy See concerning the life and work of the institutes and societies, especially the approval of their constitutions, their manner of government and apostolate, the recruitment and training as well as the rights and obligations of members, dispensation from vows and the dismissal of members, and the administration of goods.

§2. However, the organization of philosophical and theological studies and other academic subjects comes within the competence of the Congregation for Seminaries and Institutes of Studies.

Art. 109 – It is the function of this Congregation to establish conferences of major superiors of men and women religious, to grant approval to their statutes and to give great attention in order that their activities are directed to achieving their true purpose.

Art. 110-The Congregation has competence also regarding eremetical life, the order of virgins and their associations as well as other forms of consecrated life.

Art. 111 – Its competence also embraces the third orders and associations of the faithful which are erected with the intention that, after a period of preparation, they may eventually become institutes of consecrated life or societies of apostolic life.

The Congregation of Seminaries and Educational Institutions³⁷

Art. 112 – The Congregation of Seminaries and Educational Institutions gives practical expression to the concern of the Apostolic See for the training of those who are called to holy orders, and for the promotion and organization of Catholic education.

Art. 113 – § 1. It is available to the bishops so that in their Churches vocations to the sacred ministry may be cultivated to the highest degree, and seminaries may be established and conducted in accordance with the law, where students may be suitably trained, receiving a solid formation that is human and spiritual, doctrinal and pastoral.

³⁷ The Congregation for Catholic Education (of Seminaries and Educational Institutions) is the name used since the coming into force of *Pastor bonus* on 1 March 1989. The name given by the Apostolic Constitution, the Congregation of Seminaries and Educational Institutions, was never officially used and was modified by a letter of the Secretariat of State of 26 February 1989 (prot. no. 236.026), which can be read in Tarcisio Bertone, “La Congregazione per l’educazione cattolica (dei seminari e degli istituti di studio),” in Piero Antonio BONNET and Carlo Guzzoni (eds.), *La Curia romana nella Cost. ap. "Pastor bonus,"* Studi giuridici, XXI. Annali di dottrina e giurisprudenza canonica, 13. Città del Vaticano, Libreria editrice Vaticana. 1990, pp. 387-388. Since the Latin name of the Congregation was never formally amended in the official text of *Pastor bonus*, the translation of the document cannot use the current name of the dicastery.

§2. It gives great attention that the way of life and government of the seminaries be in full harmony with the programme of priestly education, and that the superiors and teachers, by the example of their life and sound doctrine, contribute their utmost to the formation of the personality of the sacred ministers.

§3. It is also its responsibility to erect interdiocesan seminaries and to approve their statutes.

Art. 114 – The Congregation makes every effort to see that the fundamental principles of Catholic education as set out by the magisterium of the Church be ever more deeply researched, championed, and known by the people of God.

It also takes care that in this matter the Christian faithful may be able to fulfill their duties and also strive to bring civil society to recognize and protect their rights.

Art. 115 – The Congregation sets the norms by which Catholic schools are governed. It is available to diocesan bishops so that, wherever possible, Catholic schools be established and fostered with the utmost care, and that in every school appropriate undertakings bring catechetical instruction and pastoral care to the Christian pupils.

Art. 116 – § 1. The Congregation labours to ensure that there be in the Church a sufficient number of ecclesiastical and Catholic universities as well as other educational institutions in which the sacred disciplines may be pursued in depth, studies in the humanities and the sciences may be promoted, with due regard for Christian truth, so that the Christian faithful may be suitably trained to fulfill their own tasks.

§2. It erects or approves ecclesiastical universities and institutions, ratifies their statutes, exercises the highest supervision on them and pays great attention so that the integrity of the Catholic faith is preserved in teaching doctrine.

§3. With regard to Catholic universities, it deals with those matters that are within the competence of the Holy See.

§4. It fosters cooperation and mutual help between universities and their associations and serves as a resource for them.

IV. THE TRIBUNALS

The Apostolic Penitentiary

Art. 117 – The competence of the Apostolic Penitentiary regards the internal forum and indulgences.

Art. 118 – For the internal forum, whether sacramental or non-sacramental, it grants absolutions, dispensations, commutations, validations, condonations, and other favours.

Art. 119 – The Apostolic Penitentiary sees to it that in the patriarchal basilicas

of Rome there be a sufficient number of penitentiaries supplied with the appropriate faculties.

Art. 120 – This dicastery is charged with the granting and use of indulgences, without prejudice to the right of the Congregation for the Doctrine of the Faith to review what concerns dogmatic teaching about them.

The Supreme Tribunal of the Apostolic Signatura

Art. 121 – The Apostolic Signatura functions as the supreme tribunal and also ensures that justice in the Church is correctly administered.

Art. 122 – This Tribunal adjudicates:

1° complaints of nullity and petitions for total reinstatement against sentences of the Roman Rota;

2° in cases concerning the status of persons, recourses when the Roman Rota has denied a new examination of the case;

3° exceptions of suspicion and other proceedings against judges of the Roman Rota arising from the exercise of their functions;

4° conflicts of competence between tribunals which are not subject to the same appellate tribunal.

Art. 123 – §1. The Signatura adjudicates recourses lodged within the peremptory limit of thirty useful days against singular administrative acts whether issued by the dicasteries of the Roman Curia or approved by them, whenever it is contended that the impugned act violated some law either in the decision-making process or in the procedure used.

§2. In these cases, in addition to the judgement regarding illegality of the act, it can also adjudicate, at the request of the plaintiff, the reparation of damages incurred through the unlawful act.

§3. The Signatura also adjudicates other administrative controversies referred to it by the Roman Pontiff or by dicasteries of the Roman Curia, as well as conflicts of competence between these dicasteries.

Art. 124 – The Signatura also has the responsibility:

1° to exercise vigilance over the correct administration of justice, and, if need be, to censure advocates and procurators;

2° to deal with petitions presented to the Apostolic See for obtaining the commission of a case to the Roman Rota or some other favour relative to the administration of justice;

3° to prorogate the competence of lower tribunals;

4° to grant its approval to tribunals for appeals reserved to the Holy See, and to promote and approve the erection of interdiocesan tribunals.

Art. 125 – The Apostolic Signatura is governed by its own law.

The Tribunal of the Roman Rota

Art. 126 – The Roman Rota is a court of higher instance at the Apostolic See, usually at the appellate stage, with the purpose of safeguarding rights within the Church; it fosters unity of jurisprudence, and, by virtue of its own decisions, provides assistance to lower tribunals.

Art. 127 – The judges of this Tribunal constitute a college. Persons of proven doctrine and experience, they have been selected by the Supreme Pontiff from various parts of the world. The Tribunal is presided over by a dean, likewise appointed by the Supreme Pontiff from among the judges and for a specific term of office.

Art. 128 – This Tribunal adjudicates:

1^o in second instance, cases that have been decided by ordinary tribunals of the first instance and are being referred to the Holy See by legitimate appeal;

2^o in third or further instance, cases already decided by the same Apostolic Tribunal and by any other tribunals, unless they have become a *res iudicata*.

Art. 129 – §1. The Tribunal, however, judges the following in first instance:

1^o bishops in contentious matters, unless it deals with the rights or temporal goods of a juridical person represented by the bishop;

2^o abbots primate or abbots superior of a monastic congregation and supreme moderators of religious institutes of pontifical right;

3^o dioceses or other ecclesiastical persons, whether physical or juridical, which have no superior below the Roman Pontiff;

4^o cases which the Supreme Pontiff commits to this Tribunal.

§2. It deals with the same cases even in second and further instances, unless other provisions are made.

Art. 130 – The Tribunal of the Roman Rota is governed by its own law.

V. THE PONTIFICAL COUNCILS

The Pontifical Council for the Laity

Art. 131 – The Pontifical Council for the Laity is competent in those matters pertaining to the Apostolic See in promoting and coordinating the apostolate of the laity and, generally, in those matters respecting the Christian life of laypeople as such.

Art. 132 – The president is assisted by an Advisory Board of cardinals and bishops. Figuring especially among the members of the Council are certain Christian faithful engaged in various fields of activity.

Art. 133 – § 1. The Council is to urge and support laypeople to participate in the life and mission of the Church in their own way, as individuals or in associations, especially so that they may carry out their special responsibility of filling the realm

of temporal things with the spirit of the Gospel.

§2. It fosters joint action among lay people in catechetical instruction, in liturgical and sacramental life as well as in works of mercy, charity, and social development.

§3. The Council attends to and organizes international conferences and other projects concerning the apostolate of the laity.

Art. 134 – Within the parameters of its own competence, the Council performs all activities respecting lay associations of the Christian faithful; it erects associations of an international character and provides approval or *recognitio* for their statutes, saving the competence of the Secretariat of State. As for secular third orders, the Council deals only with those matters concerning their apostolic activities.

The Pontifical Council
for Promoting Christian Unity

Art. 135 – It is the function of the Pontifical Council for Promoting Christian Unity to engage in ecumenical work through timely initiatives and activities, labouring to restore unity among Christians.

Art. 136 – § 1. It sees Lhat the decrees of the Second Vatican Council pertaining to ecumenism are put into practice.

It deals with the correct interpretation of the principles of ecumenism and enjoins that they be carried out.

§2. It fosters, brings together, and coordinates national and international Catholic organizations promoting Christian unity, and supervises their undertakings.

§3. After prior consultation with the Supreme Pontiff, the Council maintains relations with Christians of Churches and ecclesial communities that do not yet have full communion with the Catholic Church, and especially organizes dialogue and meetings to promote unity with them, with the help of theological experts of sound doctrine. As often as may seem opportune, the Council deposes Catholic observers to Christian meetings, and it invites observers from other Churches and ecclesial communities to Catholic meetings.

Art. 137 – § 1. Since the Council often deals with matters which by their very nature touch on questions of faith, it must proceed in close connection with the Congregation for the Doctrine of the Faith, especially if declarations and public documents have to be issued.

§2. In dealing with important matters concerning the separated Oriental Churches, the Council must first hear the Congregation for the Oriental Churches.

Art. 138 – Within the Council there exists a Commission to study and deal with matters concerning the Jews from a religious perspective, the Commission for Religious Relations with the Jews; the president of the Council presides over the

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The Pontifical Council for the Family

Art. 139-The Pontifical Council for the Family promotes the pastoral care of families, protects their rights and dignity in the Church and in civil society, so that they may ever be more able to fulfill their duties.

Art. 140-The president is assisted by an advisory board of bishops. Figuring above all among the members of the Council are laypeople, both men and women, especially married ones, from all over the world.

Art. 141 – §1. The Council works for a deeper understanding of the Church's teaching on the family and for its spread through suitable catechesis. It encourages studies in the spirituality of marriage and the family.

§2. It works together with the bishops and their conferences to ensure the accurate recognition of the human and social conditions of the family institution everywhere and to ensure a strong general awareness of initiatives that help pastoral work for families.

§3. The Council strives to ensure that the rights of the family be acknowledged and defended even in the social and political realm. It also supports and coordinates initiatives to protect human life from the first moment of conception and to encourage responsible procreation.

§4. Without prejudice to art. 133, it follows the activities of institutes and associations which seek to work for the good of the family.

The Pontifical Council for Justice and Peace

Art. 142 – The goal of the Pontifical Council for Justice and Peace is to promote justice and peace in this world in accordance with the Gospel and the social teaching of the Church.

Art 143 – § 1. The Council makes a thorough study of the social teaching of the Church and takes pains to see that this teaching is widely spread and put into practice among people and communities, especially regarding the relations between workers and management, relations that must come to be more and more imbued with the spirit of the Gospel.

§2. It collects information and research on justice and peace, about human development and violations of human rights; it ponders all this, and, when the occasion offers, shares its conclusions with the groupings of bishops. It cultivates relationships with Catholic international organizations and other institutions, even ones outside the Catholic Church, which sincerely strive to achieve peace and justice in the world.

§3. It works to form among peoples a mentality which fosters peace, especially on the occasion of World Peace Day.

Art. 144 – The Council has a special relationship with the Secretariate of State, especially whenever matters of peace and justice have to be dealt with in public by documents or announcements.

The Pontifical Council “*Cor unum*”

Art. 145 – The Pontifical Council “*Cor unum*” shows the solicitude of the Catholic Church for the needy, in order that human fraternity may be fostered and that the charity of Christ be made manifest.

Art. 146 – It is the function of the Council:

1° to stimulate the Christian faithful as participants in the mission of the Church, to give witness to evangelical charity and to support them in this concern;

2° to foster and coordinate the initiatives of Catholic organizations that labour to help peoples in need, especially those who go to the rescue in the more urgent crises and disasters, and to facilitate their relations with public international organizations operating in the same field of assistance and good works;

3° to give serious attention and promote plans and undertakings for joint action and neighbourly help serving human progress.

Art. 147 – The president of this Council is the same as the president of the Pontifical Council for Justice and Peace, who sees to it that the activities of both dicasteries are closely coordinated.

Art. 148 – To ensure that the objectives of the Council are more effectively achieved, among members of the Council are also men and women representing Catholic charitable organizations.

The Pontifical Council for the Pastoral Care of Migrants and Itinerant People

Art. 149 – The Pontifical Council for the Pastoral Care of Migrants and Itinerant People brings the pastoral concern of the Church to bear on the special needs of those who have been forced to leave their native land or who do not have one. It also sees to it that these matters are considered with the attention they deserve.

Art. 150 – § 1. The Council works to see that in the particular Churches refugees and exiles, migrants, nomads, and circus workers receive effective and special spiritual care, even, if necessary, by means of suitable pastoral structures.

§2. It likewise fosters pastoral solicitude in these same Churches for sailors, at sea and in port, especially through the Apostleship of the Sea, over which it exercises ultimate direction.

§3. The Council has the same concern for those who work in airports or airplanes.

§4. It tries to ensure that the Christian people come to an awareness of the

needs of these people and effectively demonstrate their own brotherly attitude towards them, especially on the occasion of World Migration Day.

Art. 151 – The Council works to ensure that journeys which Christians undertake for reasons of piety, study, or recreation, contribute to their moral and religious formation, and it is available to the particular Churches in order that all who are away from home receive suitable spiritual care.

The Pontifical Council for the Pastoral Assistance to Health Care Workers

Art. 152 – The Pontifical Council for the Pastoral Assistance to Health Care Workers shows the solicitude of the Church for the sick by helping those who serve the sick and suffering, so that their apostolate of mercy may ever more respond to people's needs.

Art. 153 – §1. The Council is to spread the Church's teaching on the spiritual and moral aspects of illness as well as the meaning of human suffering.

§2. It lends its assistance to the particular Churches to ensure that health care workers receive spiritual help in carrying out their work according to Christian teachings, and especially that in turn the pastoral workers in this field may never lack the help they need to carry out their work.

§3. The Council fosters studies and actions which international Catholic organizations or other institutions undertake in this field.

§4. With keen interest it follows new health care developments in law and science so that these may be duly taken into account in the pastoral work of the Church.

The Pontifical Council for the Interpretation of Legislative Texts

Art. 154 – The function of the Pontifical Council for the Interpretation of Legislative Texts consists mainly in interpreting the laws of the Church.

Art. 155 – With regard to the universal laws of the Church, the Council is competent to publish authentic interpretations which are confirmed by pontifical authority, after having heard in questions of major importance the views of the dicasteries concerned by the subject matter.

Art. 156 – This Council is at the service of the other Roman dicasteries to assist them in order to ensure that general executory decrees and instructions which they are going to publish are in conformity with the prescriptions of the law currently in force and that they are drawn up in a correct juridical form.

Art. 157 – Moreover, the general decrees of the conferences of bishops are to be submitted to this Council by the dicastery which is competent to grant them the *recognitio*, in order that they be examined from a juridical perspective.

Art. 158 – At the request of those interested, this Council determines whether particular laws and general decrees issued by legislators below the level of the supreme authority are in agreement or not with the universal laws of the Church.

The Pontifical Council for Inter-Religious Dialogue

Art. 159 – The Pontifical Council for Inter-Religious Dialogue fosters and supervises relations with members and groups of non-Christian religions as well as with those who are in any way endowed with religious feeling.

Art. 160 – The Council fosters suitable dialogue with adherents of other religions, as well as other forms of relations. It promotes timely studies and conferences to develop mutual information and esteem, so that human dignity and the spiritual and moral riches of people may ever grow. The Council sees to the formation of those who engage in this kind of dialogue.

Art. 161 – When the subject matter so requires, the Council must proceed in the exercise of its own function in consultation with the Congregation for the Doctrine of the Faith, and, if need be, with the Congregations for the Oriental Churches and for the Evangelization of Peoples.

Art. 162 – This Council has a Commission, under the direction of the president of the Council, for fostering relations with Muslims from a religious perspective.

The Pontifical Council for Dialogue with Non-Believers

Art. 163 – The Pontifical Council for Dialogue with Non-Believers shows the pastoral solicitude of the Church for those who do not believe in God or who profess no religion.

Art. 164 – It promotes the study of atheism and of the lack of faith and religion, looking into their causes and their consequences with regard to the Christian faith, so that suitable assistance may be given to pastoral action through the work especially of Catholic educational institutions.

Art. 165 – The Council sets up dialogue with atheists and unbelievers whenever they agree to sincere cooperation, and it is represented by true specialists at conferences on this matter.

The Pontifical Council for Culture

Art. 166 – The Pontifical Council for Culture fosters relations between the Holy See and the realm of human culture, especially by promoting communication with various contemporary institutions of learning and teaching, so that secular culture may be more and more open to the Gospel, and specialists in the sciences, literature, and the arts may feel themselves called by the Church to truth, goodness,

and beauty.

Art. 167 – The Council has its own special structure. The president is assisted by an advisory board and another board, composed of specialists of various disciplines from several parts of the world.

Art. 168 – The Council on its own undertakes suitable projects with respect to culture. It follows through on those which are undertaken by various institutes of the Church, and, so far as necessary, lends them assistance. In consultation with the Secretariat of State, it shows interest in measures adopted by countries and international agencies in support of human culture and, as appropriate, it is present in the principal organizations in the field of culture and fosters conferences.

The Pontifical Council for Social Communications

Art. 169 – §1. The Pontifical Council for Social Communications is involved in questions respecting the means of social communication, so that, also by these means, human progress and the news of salvation may benefit secular culture and mores.

§2. In carrying out its functions, the Council must proceed in close connection with the Secretariat of State.

Art. 170 – §1. The chief task of this Council is to arouse the Church and the Christian faithful, in a timely and suitable way, to take part in the many forms of social communication, and to sustain their action. It takes pains to see that newspapers and periodicals, as well as films and radio or television broadcasts, are more and more imbued with a human and Christian spirit.

§2. With special solicitude the Council looks to Catholic newspapers and periodicals, as well as radio and television stations, that they may truly live up to their nature and function, by transmitting especially the teaching of the Church as it is laid out by the Church's magisterium, and by spreading religious news accurately and faithfully.

§3. It fosters relations with Catholic associations active in social communications.

§4. It takes steps to make the Christian people aware, especially on the occasion offered by World Communications Day, of the duty of each and every person to make sure that the media be of service to the Church's pastoral mission.

VI. THE ADMINISTRATIVE SERVICES

The Apostolic Camera

Art. 171 – § 1. The Apostolic Camera, presided over by the cardinal camerlengo of the Holy Roman Church, assisted by the vice-camerlengo and the other prelates of the Camera, chiefly exercises the functions assigned to it by the special law on

the vacancy of the Apostolic See.

§2. When the Apostolic See falls vacant, it is the right and the duty of the cardinal camerlengo of the Holy Roman Church, personally or through his delegate, to request, from all administrations dependent on the Holy See, reports on their patrimonial and economic status as well as information on any extraordinary business that may at that time be under way, and, from the Prefecture for the Economic Affairs of the Holy See he shall request a financial statement on income and expenditures of the previous year and the budgetary estimates for the following year. He is in duty bound to submit these reports and estimates to the College of Cardinals.

The Administration of the Patrimony of the Apostolic See

Art. 172 – It is the function of the Administration of the Patrimony of the Apostolic See to administer the properties owned by the Holy See in order to underwrite the expenses needed for the Roman Curia to function.

Art. 173 – This Council is presided over by a cardinal assisted by a board of cardinals; and it is composed of two sections, the Ordinary Section and the Extraordinary, under the control of the prelate secretary.

Art. 174 – The Ordinary Section administers the properties entrusted to its care, calling in the advice of experts if needed; it examines matters concerning the juridical and economic status of the employees of the Holy See; it supervises institutions under its fiscal responsibility; it sees to the provision of all that is required to carry out the ordinary business and specific aims of the dicasteries; it maintains records of income and expenditures, prepares the accounts of the money received and paid out for the past year, and draws up the estimates for the year to come.

Art. 175 – The Extraordinary Section administers its own moveable goods and acts as a guardian for moveable goods entrusted to it by other institutes of the Holy See.

The Prefecture for the Economic Affairs of the Holy See

Art. 176 – The Prefecture for the Economic Affairs of the Holy See has the function of supervising and governing the temporal goods of the administrations that are dependent on the Holy See, or of which the Holy See has charge, whatever the autonomy these administrations may happen to enjoy.

Art. 177 – The Prefecture is presided over by a cardinal assisted by a board of cardinals, with the collaboration of the prelate secretary and the general accountant.

Art. 178 – §1. It studies the reports on the patrimonial and economic status of

the Holy See, as well as the statements of income and expenditures for the previous year and the budget estimates for the following year of the administrations mentioned in art. 176, by inspecting books and documents, if need be.

§2. The Prefecture compiles the Holy See's consolidated financial statement of the previous year's expenditures as well as the consolidated estimates of the next year's expenditures, and submits these at specific times to higher authority for approval.

Art. 179 – §1. The Prefecture supervises financial undertakings of the administrations and expresses its opinion concerning projects of major importance.

§2. It inquires into damages inflicted in whatever manner on the patrimony of the Holy See, and, if need be, lodges penal or civil actions to the competent tribunals.

VII. THE OTHER INSTITUTES OF THE ROMAN CURIA

The Prefecture of the Papal Household

Art. 180 – The Prefecture of the Papal Household looks after the internal organization of the papal household, and supervises everything concerning the conduct and service of all clerics and lay persons who make up the papal chapel and family.

Art. 181 – §1. It is at the service of the Supreme Pontiff, both in the Apostolic Palace and when he travels in Rome or in Italy.

§2. Apart from the strictly liturgical part, which is handled by the Office for the Liturgical Celebrations of the Supreme Pontiff, the Prefecture sees to the organization and progress of papal ceremonies and determines the order of precedence.

§3. It arranges public and private audiences with the Pontiff, in consultation with the Secretariat of State whenever circumstances so demand and under whose direction it arranges the procedures to be followed when the Roman Pontiff meets in a solemn audience with heads of State, ambassadors, members of governments, public authorities, and other distinguished persons.

The Office for the Liturgical Celebrations of the Supreme Pontiff

Art. 182 – § 1. The Office for the Liturgical Celebrations of the Supreme Pontiff is to prepare all that is necessary for the liturgical and other sacred celebrations performed by the Supreme Pontiff or in his name and supervise them according to the current prescriptions of liturgical law.

§2. The master of papal liturgical celebrations is appointed by the Supreme Pontiff to a five-year term of office; papal masters of ceremonies who assist him

in sacred celebrations are likewise appointed by the secretary of state to a term of the same length.

VIII. THE ADVOCATES

Art. 183 – Apart from the advocates of the Roman Rota and the advocates for the causes of saints, there is a roster of advocates who, at the request of interested parties, are qualified to represent them in their cases at the Supreme Tribunal of the Apostolic Signatura and to offer assistance in hierarchical recourses lodged before dicasteries of the Roman Curia.

Art. 184 – Candidates can be inscribed in the roster by the cardinal secretary of state, after he has consulted a commission stably constituted for this purpose. Candidates must be qualified by a suitable preparation attested by appropriate academic degrees, and at the same time be recommended by their example of a Christian life, honourable character, and expertise. If these qualities happen to be lacking at a later date, the advocate shall be struck off the roster.

Art. 185 – § 1. The body called “Advocates of the Holy See” is composed mainly of advocates listed in the roster of advocates, and its members are able to undertake the representation of cases in civil or ecclesiastical tribunals in the name of the Holy See or the dicasteries of the Roman Curia.

§2. They are appointed by the cardinal secretary of state to a five-year term of office on the recommendation of the commission mentioned in art. 184; for serious reasons, they may be removed from office. Once they have completed seventy-five years of age, they cease their office.

IX. THE INSTITUTIONS CONNECTED WITH THE HOLY SEE

Art. 186 – There are certain institutes, some of ancient origin and some not long established, which do not belong to the Roman Curia in a strict sense but nevertheless provide useful or necessary services to the Supreme Pontiff himself, to the Curia and the whole Church, and are in some way connected with the Apostolic See.

Art. 187 – Outstanding among institutes of this kind are the Vatican Secret Archives, where documents of the Church's governance are preserved first of all so that they may be available to the Holy See itself and to the Curia as they carry out their own work, but then also, by papal permission, so that they may be available to everyone engaged in historical research and prove to be sources of information on all areas of secular history that have been closely connected with the life of the Church in centuries gone by.

Art. 188 – In the Vatican Apostolic Library, established by the Supreme Pontiffs, the Church has a remarkable instrument for fostering, guarding, and spreading culture. In its various sections, it offers to scholars researching truth a

treasure of every kind of art and knowledge.

Art. 189 – To seek the truth and to spread it in the various areas of divine and human sciences there have arisen within the Roman Church various academies, as they are called, outstanding among which is the Pontifical Academy of Sciences.

Art. 190 – In their constitution and administration, all these institutions of the Roman Church are governed by their own laws.

Art. 191 – Of more recent origin, though partly based on examples of the past, are the Vatican Polyglot Press; the Vatican Publishing House and its bookstore; the daily, weekly and monthly newspapers, among which *L'Osservatore romano* stands out; Vatican Radio; the Vatican Television Centre. These institutes, according to their own regulations, come within the competence of the Secretariat of State or of other agencies of the Roman Curia.

Art. 192 – The Fabric of Saint Peter's deals, according to its own regulations, with matters concerning the Basilica of the Prince of the Apostles, with respect to the preservation and decoration of the building and behaviour among the employees and pilgrims who come into the church for sight-seeing. Where necessary, the superiors of the Fabric act in harmony with the chapter of that basilica.

Art. 193 – The Office of Papal Charities carries on the work of aid of the Supreme Pontiff toward the poor and is subject directly to him.

We decree the present Apostolic Constitution to be firm, valid, and effective now and henceforth, that it shall receive its full and integral effects from the first day of the month of March of 1989, and that it must in each and everything and in any manner whatsoever be fully observed by all those to whom it applies or in any way shall apply, anything to the contrary notwithstanding, even if it is worthy of most special mention.

Given in Rome, at Saint Peter's, in the presence of the cardinals assembled in consistory, on the vigil of the solemnity of the Holy Apostles Peter and Paul, 28 June in the Marian Year 1988, the tenth of Our pontificate.

APPENDIX I

The Pastoral Significance of the Visit *ad limina Apostolorum* (cf. arts. 28-32)

That pastoral ideal which occupied the dominant place in the drafting of the Apostolic Constitution on the Roman Curia, has had the effect of attributing greater significance to visits *ad limina Apostolorum* by bishops, bringing a more adequate light to bear on the pastoral importance which the visits have gained in the present life of the Church.

1. These visits, as we know, take place when the bishops, joined as they are to

the Apostolic See with the bond of communion and presiding in charity and service over the particular Churches throughout the world, set out at certain appointed times for Rome to visit the tombs of the Apostles.

On the one hand, these visits give the bishops an opportunity to sharpen their awareness of their responsibilities as successors of the Apostles and to feel more intensely their sense of hierarchical communion with the successor of Peter. On the other hand, the visits in some way constitute the highest and most central point in that universal ministry that the Holy Father is carrying out when he embraces his brother bishops, the pastors of the particular Churches, and takes up with them the business of sustaining their mission in the Church.

2. These *ad limina* visits bring into full view this movement or life-blood between the particular Churches and the Church as a whole that theologians call *perichoresis*. The process may be compared to the diastolic-systolic movements within the human body when the blood is carried to the outer limbs and from there flows back to the heart.

Some trace and example of a first *ad limina* visit is found in Paul's letter to the Galatians, in which the Apostle tells the story of his conversion and the journey he undertook among the pagans. Although he knew that he had been called and instructed personally by Christ who had conquered death, he wrote these words: "[Then] did I go up to Jerusalem to meet Cephas. I stayed fifteen days with him" (Gal 1:18). "It was not until fourteen years later that I travelled up to Jerusalem again [...] I expounded the whole gospel that I preach the gentiles, to make quite sure that the efforts I was making and had already made should not be fruitless" (Gal 2:1-2).

3. The natural result of this meeting with Peter's successor, first guardian of the deposit of truth passed on by the Apostles, is to strengthen unity in the same faith, hope and charity, and more and more to recognize and treasure that immense heritage of spiritual and moral wealth that the whole Church, joined with the bishop of Rome by the bond of communion, has spread throughout the world.

During the *ad limina* visit, two men stand face to face together, namely the bishop of a certain particular Church and the bishop of Rome, who is also the successor of Peter. Both carry on their shoulders the burden of office, which they cannot relieve themselves from, but they are not at all divided one from the other, for both of them in their own way represent, and must represent, the sum total of the faithful, the whole of the Church, and the sum total of the bishops, which together constitute the only "we and us" in the body of Christ. It is in their communion that the faithful under their care communicate with one another, and likewise the universal Church and particular Churches communicate with each other.

4. For all these reasons, the *ad limina* visits express *that pastoral solicitude* which thrives in the universal Church. Here we see the meeting of the pastors of the Church, joined together in a collegial unity that is based on apostolic

succession. In (his) College, each and every one of the bishops displays that solicitude of Jesus Christ, the Good Shepherd, which all have received by way of inheritance.

This indeed is the highest ideal of the apostolate that has to be carried out in the Church and which concerns the bishops together with the successor of Peter. For each one of them stands at the centre of all the apostolate, in all its forms, that is carried out in each particular Church, joined at the same time in the universal dimension of the Church as a whole. All this apostolate, again in all its forms, demands and includes the work and help of all those who are building the Body of Christ in the Church, be it universal or particular: the priests, men and women religious consecrated to God, and the lay people.

5. Now if the *ad limina* visits are conceived and viewed in this way, they come to be a *specific moment of that communion* which so profoundly determines the nature and essence of the Church, as it was admirably indicated in the Dogmatic Constitution on the Church, especially in chapters II and III. Given that society nowadays is leaning towards a closer sense of communion, and the Church experiences herself as “a sign and instrument [...] of communion with God and of unity among the whole of humankind,”³⁸ it seems utterly necessary that a permanent communication between particular Churches and the Apostolic See should be promoted and built up, especially by sharing pastoral solicitude regarding questions, experiences, problems, projects and ideas about life and action.

When pastors converge on Rome and meet together, there comes to pass a remarkable and most beautiful sharing of gifts from among all those riches in the Church, be they universal or local and particular, in accordance with that principle of catholicity by which “each part contributes its own gifts to other parts and to the whole Church, so that the whole and each of the parts are strengthened by the common sharing of all things and by the common effort to attain to fullness in unity.”³⁹

Furthermore and in the same way, *ad limina* visits aim not only at a direct sharing of information but also and especially to an increase and strengthening of a *collegial structure* in the body of the Church, bringing about a remarkable unity in variety.

This communication in the Church is a two-way movement. On the one hand, the bishops converge towards the centre and the visible foundation of unity. We are referring to that unity which, when it comes to full bloom, casts its benefits on their own groupings or conferences, through each pastor’s responsibilities and awareness of his functions and of their fulfilment, or through the *collegial spirit* of all the pastors. On the other hand, there is the commission “which the Lord

“LG 1

” LG 13.

confided to Peter alone, as the first of the apostles”⁴⁰ which serves the ecclesial community and the spread of her mission, in such a way that nothing is left untried that may lead to the advancement and preservation of the unity of the faith and the common discipline of the whole Church, and all become more and more aware that the responsibility of proclaiming the Gospel everywhere throughout the world falls chiefly on the body of the pastors.

6. From all the principles established above to describe this most important process, one may deduce in what way that apostolic custom of “seeing Peter” is to be understood and put into practice.

First of all the *ad limina* visit has a *sacred meaning* in that the bishops with religious veneration pay a visit to the tombs of Peter and Paul, the Princes of the Apostles, shepherds and pillars of the Church of Rome.

Then the *ad limina* visit has a *personal meaning* because each individual bishop meets the successor of Peter and talks to him *face to face*.

Finally, the visit has a *curial meaning*, that is, a *hallmark of community*, because the bishops enter into conversation with the moderators of the dicasteries, councils, and offices of the Roman Curia. The Curia, after all, is a certain “community” that is closely joined with the Roman Pontiff in that area of the Petrine ministry which involves solicitude for all the Churches (cf. 2 Cor 11:28).

In the course of the *ad limina* visit, the access that the bishops have to the dicasteries is of a two-fold nature:

- First, it gives them access to each individual agency of the Roman Curia, especially to questions that the agencies are dealing with directly according to their competence, questions that have been referred by law to those agencies because of their expertise and experience.

- Second, bishops coming from all over the world, where each of the particular Churches can be found, are introduced to questions of common pastoral solicitude for the universal Church.

Bearing in mind this specific point of view, the Congregation for Bishops, in consultation with the other interested Congregations, is preparing a “directory” for publication so that the *ad limina* visits can receive long- and short-term preparation and thus proceed smoothly.

7. Each and every bishop – by the very nature of that “ministry” that has been entrusted to him – is called and invited to visit the “tombs of the Apostles” at certain appointed times.

However, since the bishops living within each territory, nation or region, have already gathered together and now form conferences of bishops – collegial unions with an excellent, broad theoretical basis⁴¹ – it is highly appropriate that the *ad limina* visits should proceed according to this collegial principle, for that carries

⁴⁰ LG 20.

⁴¹ Cf. LG 23.

much significance within the Church.

The institutes of the Apostolic See, and especially the nunciatures and apostolic delegations as well as the dicasteries of the Roman Curia, are most willing to offer assistance in order to ensure that *ad limina* visits be made possible, are suitably prepared and proceed well.

To sum up: the institution of the *ad limina* visit is an instrument of the utmost value, commanding respect because it is an ancient custom and has outstanding pastoral importance. Truly, these visits express the catholicity of the Church and the unity and communion of the College of Bishops, qualities rooted in the successor of Peter and signified by those holy places where the Princes of the Apostles underwent martyrdom, qualities of a theological, pastoral, social, and religious import known to all.

This institution therefore is to be favored and promoted in every possible way, especially at this moment of the history of salvation in which the teachings and magisterium of the Second Vatican Ecumenical Council shine out with ever brighter light.

APPENDIX II

The Collaborators of the Apostolic See as a Work Community (cf. arts. 33-36)

1. The principal feature characterizing the revision of the Apostolic Constitution *Regimini Ecclesiae universa*, so that it might be adapted to the needs that arose after its promulgation, was certainly to emphasize the pastoral nature of the Roman Curia. Viewed in this way, the true character of the functions fulfilled in the midst, as it were, of the Apostolic See shines bright and clear, so that they provide the Supreme Pontiff with suitable instruments to carry out the mission entrusted to him by Christ Our Lord.

Through that unique ministry which he offers to the Church, the Supreme Pontiff strengthens his brothers in the faith (Lk 22:32) – the pastors, namely, and the Christian faithful of the universal Church – looking only to nourish and guard that Church communion in which “there are also particular Churches that retain their own traditions, without prejudice to the Chair of Peter which presides over the whole assembly of charity (cf. S. Ignatius M., *Ad Rom.*, pref., Funk, I, p. 252), and protects their legitimate variety and at the same time keeps watch to ensure that individual differences, so far from being harmful to unity, actually serve its cause.”^{**42}

2. By constant toil, this Petrine ministry reaches out to the whole world and claims the help of persons and other means throughout the Church. Help it does

receive in a direct and privileged manner from all those who are called to perform various functions in the Roman Curia and in the various institutions which compose the structure of the Holy See, be they in holy orders as bishops and priests, or men and women consecrated to God in the religious families and secular institutes, or Christian lay men and women.

Out of this diversity emerge certain quite remarkable contours and the considerable importance of these duties, which have absolutely no equivalent at any other level of civil society, with which by its very nature indeed the Roman Curia cannot be compared. On this foundation stands that leading idea of the work community constituted by all those who, being well nourished with the one and the same faith and charity and “united, heart and soul” (Acts 4:32), make up those structures of collaboration just mentioned. Therefore those who under whatever title and in any manner help in the universal mission of the Supreme Pontiff to foster the Church community, have a further call to set up a communion of purpose, of undertakings, and of rules of behaviour, that deserves the name of *communitas* more than does any other form of grouping.

3. The letter of Pope John Paul II of 20 November 1982 on the meaning of work performed for the Apostolic See, took pains to elaborate on the characteristics of this work community. The letter outlined its nature, unique and yet endowed with a variety of functions. All those who share in the “single, incessant activity of the Apostolic See,”⁴¹ become in some way brothers. From this consideration the letter went on to conclude that those who shared in this work should be aware “of that specific character of their positions. In any case, such a consciousness has ever been the tradition and pride of those who have chosen to dedicate themselves to that noble service.”⁴⁴ The letter adds: “This consideration applies to clerics and religious and to laity as well; both to those who occupy posts of high responsibility and to office and manual workers to whom auxiliary functions are assigned.”⁴⁵

The same letter points out the special nature of the Apostolic See, which, to preserve the exercise of spiritual freedom and its true and visible immunity,⁴⁶ constitutes a sovereign State in its own right and yet “does not possess all ordinary characteristics of a political community,”⁴⁷ different from all others. The practical results of this condition are seen in the operation of its affairs, especially as regards its economic organization. In the Apostolic See there is a total absence of a taxation system that other states have by right, and it has no economic activity

⁴¹ Ap. Letter *Im Sede apostolica* to Cardinal Agostino Casaroli. 20 November 1982, AAS 75 (1983): 119-125; *Origins* 12 (1982-1983): 419-421; published in a Latin translation as the Ap. Letter *Apostolica Sedes*, AAS 80 (1988): 923-930; here at no. 1.

⁴⁴ Ibid.

⁴⁵ Ibid.

⁴⁶ Cf. *ibid.*, no. 2.

⁴⁷ *Ibid.*, no. 2.

producing goods and income. The “prime basis of sustenance of the Apostolic See is the spontaneous offerings”⁴⁸ by reason of a certain universal interdependence emanating from the Catholic family and elsewhere, which to a marvellous degree expresses that communion of charity over which the Apostolic See presides in the world and by which it lives.

From this basic condition flow certain consequences on the practical level and in the behaviour among the staff of the Holy See – “the spirit of thrift,” “a readiness always to take account of the real but limited financial possibilities of the Holy See and their source,” “a profound trust in Providence.”⁴⁹ And, over and beyond all these qualities, “those who work for the Holy See must therefore have the profound conviction that their work above all entails an ecclesial responsibility to live in a spirit of authentic faith, and that the juridical-administrative aspects of their relationship with the Apostolic See stand in a particular light.”⁵⁰

4. The remuneration owed to the clerical and lay staff at the Holy See, according to their personal conditions of life, is regulated by the major principles of the social teachings of the Church, which have been made quite clear by the magisterium of the Popes from the time of the publication of Leo XIII’s Encyclical Letter *Rerum novarum* up to John Paul II’s Encyclicals *Laborem exercens* and *Sollicitudo rei socialis*.

While labouring under a grave lack of economic means, the Holy See makes every effort to measure up to the heavy obligations to which it is held with regard to its workers – even granting them certain benefit packages – but subject to that basic situation which is peculiar to the Apostolic See and has been explained in the Pope’s Letter, the fact, namely, that the Holy See cannot be compared to any other form of State, since it is deprived of the ordinary means of generating income, except the income that comes from universal charity. However the Holy See is conscious of the fact – and the same Apostolic Letter makes this clear – that the active cooperation of everybody, and especially of the lay members of the staff, is necessary so that regulations and interrelations may be protected, as well as those *rights and duties* that arise out of “social justice” when it is correctly applied to the relations between worker and employer.⁵¹ On this subject, the Apostolic Letter has pointed out the help that workers associations can give in this respect, like the “*Associazione Dipendenti Laid Vaticani*” recently founded through productive talks among the various administrative levels to promote the spirit of solicitude and justice. The Apostolic Letter however has cautioned us to beware lest this kind of group distort the leading ideal that must govern the work community of the See of Peter. The letter says: “However, a lapse of this type of organization into the field

^a Ibid.

⁴⁹ Cf. *ibid.*, no. 3.

⁵⁰ *Ibid.*, no. 5.

⁵¹ Cf. *ibid.*, no. 4.

of extremist conflict and class struggle does not correspond to the Church's social teaching. Nor should such associations have a political character or openly or covertly serve partisan interests or other interests with quite different goals.”⁵²

5. At the same time the Supreme Pontiff declared his firm conviction that associations of this kind – like the one mentioned above – “set forward work problems and develop continuous and constructive dialogue with the competent organisms [and] will not fail to take account in every case of the particular character of the Apostolic See.”⁵³

Now since the lay staff of Vatican City had very much at heart that there be an ever more suitable fine-tuning of working conditions and of everything touching the labour question, the Supreme Pontiff provided that “suitable executive documents” be prepared “for farthing a work community according to the principles set forth by means of suitable norms and structures.”⁵⁴

The outcome of the Pope's concern is now “The Labour Office of the Apostolic See” (L.A.A.S.), which is established by an Apostolic Letter given *motu proprio* together with the document specifying in detail the membership of the Labour Office, its authority, its functions, its regulatory and advisory organs as well as its proper norms to facilitate a fair, rapid, and efficient process; furthermore, as it has been just newly set up, this Office needs a reasonable period of time to operate *ad experimentum* so that its regulations and procedures may be confirmed and its true and objective importance reviewed. This *motu proprio* and the regulations of the new Labour Office are being published at the same time, together with the promulgation of the Apostolic Constitution on the renewal of the Roman Curia.

6. The chief purpose of the Labour Office – apart from the practical ends for which it was brought into existence – is to promote and preserve a work community among the various levels of staff of the Apostolic See, especially the laypeople. The spirit of this community should be characteristic of all who have been called to the privilege and responsibility of serving the Petrine ministry.

Again and again it is to be explained that these workers are in duty bound to foster and cultivate within themselves a special awareness of the Church, an awareness making them ever more fitted to fulfill the functions entrusted to them, no matter what these may be. These functions are not mere give and take arrangements – a certain labour given and a certain wage received –, as may happen in institutions in civil society; they constitute rather a service offered to Christ himself “who came not to be served but to serve” (Mt 20:28).

Therefore all the workers of the Holy See, clergy and laity, out of a sense of honour and sincerely conscious of their own duty before God and themselves, must resolve that their lives as priests and lay faithful shall be lived at an exemplary

Ibid., no. 4.

" Ibid.

M Ibid.

level, as is proposed by God's commandments, by the laws of the Church and by the pronouncements of the Second Vatican Council, especially in *Lumen gentium*, *Presbyterorum ordinis*, and *Apostolicani actuositateni*. However, this is a free decision, by which with full awareness certain responsibilities are taken on, the force of which is felt not only on the individuals but also on their families and even on the actual work community composed of all the collaborators of the Holy See.

Well may we be asked "of whose spirit we are" (cf. Lk 9:55 *Vulg.*): thus the Pope writes at the end of the Apostolic Letter. So each and all, in searching their own sincerity as human beings and as Christians, are bound to be faithful to those promises, and to keep those bonds that they freely accepted when they were chosen to labour at the Holy See.

7. To keep in view the principles and norms indicated by the Pope in the aforementioned Apostolic Letter to the cardinal secretary of state, the full text is printed below. In fact, this document must be considered as the foundation and sign of the whole pattern of interdependence in order to maintain full cooperation and understanding within the work community at the service of the Apostolic See.

Apostolic Letter *Apostolica Sedes* by John Paul II
on the meaning of work performed for the Apostolic See⁵⁵

1. The Apostolic See, in exercising its mission, has recourse to the valid and precious work of the particular community made up of those men and women, priests, religious and laity who devote their efforts in their dicasteries and offices to the service of the universal Church.

Charges and duties are assigned to the members of this community; each of those charges and duties has its own purpose and dignity, in consideration both of the objective content and value of the work done and of the person who accomplishes it.

This concept of community, applied to those who aid the bishop of Rome in his ministry as pastor of the universal Church, permits us first of all to define the unitary character of functions which are nonetheless diverse among themselves. All persons called to perform them really participate in the single, incessant activity of the Apostolic See; that is, in that "concern for all the Churches" (cf. 2 Cor 11:28) which enlivened the apostles' service from the earliest times and is the prerogative today in outstanding measure of the successors of St. Peter in the Roman See. It is very important that those who are associated in any way with the Apostolic See's activity should have a consciousness of that specific character of their positions. In any case, such a consciousness has ever been the tradition and

⁵⁵ Ap. Letter *Apostolica Sedes* to Cardinal Agostino Casaroli, 20 November 1982, AAS 80 (1988): 923-930; *Origins* 12 (1982-1983): 419-421; originally published in Italian as the Ap. Letter *Im Sede apostolica*. AAS 75 (1983): 119-125; here at no. 1.

pride of those who have chosen to dedicate themselves to that noble service.

This consideration applies to clerics and religious and to laity as well, both to those who hold posts of high responsibility, and to office and manual workers to whom auxiliary functions are assigned. It applies to persons attached to the service of the same Apostolic See more directly, inasmuch as they work in those organisms which are altogether known in fact under the name of “Holy See;” and it applies to those who are in the service of the Vatican City State, which is so closely linked with the Apostolic See.

In the recent Encyclical *Laborem exercens*, I recalled the principal truths of the “gospel of labour” and Catholic doctrine on human work, a doctrine always alive in the Church’s tradition. There is need for the life of that singular community which operates *sub umbra Petri* – in Peter’s shadow –, in such immediate contact with the Apostolic See, to conform itself to these truths.

2. In order to apply these principles to reality, their objective significance must be borne in mind, together with the specific nature of the Apostolic See. This latter does not have the general form of true states even though, as I noted above, the entity described as the Vatican City State is closely linked with it; for true states are subjects of the political sovereignty of particular societies. On the other hand, the Vatican City State is sovereign, yet does not possess all ordinary characteristics of a political community. It is an atypical state. It exists as a fitting means of guaranteeing the exercise of the spiritual liberty of the Apostolic See: that is, as the means of assuring real and visible independence of the same in its activity of government for the sake of the universal Church, as well as of its pastoral work directed toward the whole human race. It does not possess a proper society for the service of which it was established nor does it base itself upon forms of social action which usually determine the structure and organization of every other state. Furthermore, the persons who aid the Apostolic See or even cooperate in government of the Vatican City State are with few exceptions not citizens of this state. Nor, consequently, do they have the rights and duties (those to do with taxation in particular) which ordinarily arise from belonging to a state.

The Apostolic See does not develop nor can it develop economic activity proper to a state, since it transcends the narrow confines of the Vatican City State in a much more important respect and extends its mission to the whole of the earth. Production of economic goods and enrichment by way of revenues are foreign to its institutional purposes. Besides the revenues of the Vatican City State and the limited income afforded by what remains of the funds obtained on the occasion of the Lateran Pacts as indemnity for the Papal States, and ecclesiastical goods passed to the Italian State, the prime basis of sustenance of the Apostolic See is the spontaneous offerings provided by Catholics throughout the world and by other men of good will. This corresponds to a tradition having its origin in the Gospel and the teachings of the apostles. This tradition has taken on various forms over the centuries in relation to the economic structures prevailing in various eras. In

conformity with that tradition it must be affirmed that the Apostolic See may and ought to make use of the spontaneous contributions of the faithful and other people of good will, without having recourse to other means which might appear to be less respectful of the character proper to the Apostolic See.

3. The above-mentioned material contributions are the expression of a constant and moving solidarity with the Apostolic See and the activity carried out by it. My profound gratitude goes out to such great solidarity. It ought to be with a sense of responsibility commensurate with the nature of the contributions on the part of the Apostolic See itself, its individual organs and the persons working in them. That is to say that the contributions are to be used solely and always according to the dispositions and will of those offering them: for the general intention which is maintenance of the Apostolic See and the generality of its activities or for particular purposes (missionary, charitable, etc.), when these have been expressly mentioned.

Responsibility and loyalty toward those who show their solidarity with the Apostolic See through their aid and share its pastoral concern in some way are expressed in scrupulous fidelity to all tasks and duties assigned, as well as in the zeal, hard work and professional spirit which ought to distinguish whoever participates in the same Apostolic See's activities. Right intention must likewise be always cultivated, so as to exert watchful administration – in terms of their purposes – over both material goods which are offered and over what is acquired or conserved by means of such goods. This includes safeguarding and enhancing the See of Peter's precious inheritance in the religious-cultural and artistic fields.

In making use of means allocated for these ends, the Apostolic See and those directly collaborating with it must be distinguished not only by a spirit of thrift, but also by readiness always to take account of the real but limited financial possibilities of the Holy See and their source. Obviously such interior dispositions of mind ought to be well assimilated, becoming ingrained in the minds of religious and clerics through their training. But neither should they be lacking from the minds of laity who through their free choice accept working for and with the Apostolic See.

Moreover, all those who have particular responsibilities in running organisms, offices and services of the Apostolic See, as well as those employed in various functions, will know how to join this spirit of thrift with constant application to making the various activities ever more effective. This can be done through organization of work based, on the one hand, on full respect for persons and the valid contribution made by each according to his proper abilities and functions and, on the other hand, upon use of appropriate structures and technical means, so that the activity engaged in corresponds more and more to the demands of service to the universal Church. Recourse shall be had to everything that experience, science and technology teach; efforts will be made in this way to use human and financial resources with greater effectiveness by avoiding waste, self-interest and pursuit of

unjustified privileges, and at the same time by promoting good human relations in every sector and the true and rightful interests of the Apostolic See.

Along with such commitment should go a profound trust in Providence, which, through the offerings of good people, will not allow a lack of the means to pursue the Apostolic See's proper ends. Should a lack of means impede accomplishment of some fundamental objective, a special appeal may be made to the generosity of the people of God, informing them of needs which are not sufficiently well known. In the normal way, however, it is fitting to be content with what bishops, priests, religious institutes and faithful offer spontaneously, since they themselves can see or discern rightful needs.

4. Many of those working with the Apostolic See are clerics. Since they live in celibacy, they have no families to their charge. They deserve remuneration proportional to the tasks performed and capable of assuring them a decent manner of living and means to carry out the duties of their state, including responsibilities which they may have in certain cases toward parents or other family members dependent on them. Nor should the demands of orderly social relationships be neglected, particularly and above all their obligation to assist the needy. This obligation is more impelling for clerics and religious than for the laity, by reason of their evangelical vocation.

Remuneration of the lay employees of the Apostolic See should also correspond to the tasks performed, taking into consideration at the same time their responsibility to support their families. Study should therefore be devoted, in a spirit of lively concern and justice, to ascertaining their objective material needs and those of their families, including needs regarding education of their children and suitable provision for old age, so as to meet those needs properly. The fundamental guidelines in this sector are to be found in Catholic teaching on remuneration for work. Immediate indications for the evaluation of circumstances can be obtained from examining experiences and programs of the society – in particular, the Italian society – to which almost all lay employees of the Apostolic See belong and in which they at any rate live.

A valid collaborative function may be performed by workers' associations such as the Association of Vatican Lay Employees, which recently came into existence, in promoting that spirit of concern and justice, through representing those working within the Apostolic See. Such associations take on a specific character within the Apostolic See. They are an initiative in conformity with the Church's social teaching, for the Church sees them as one instrument for better assuring social justice in relations between worker and employer. However, a lapse of this type of organization into the field of extremist conflict and class struggle does not correspond to the Church's social teaching. Nor should such associations have a political or openly or covertly serve partisan interests or other interests with quite different goals.

I express confidence that associations such as that now existing and just

mentioned will perform a useful function in the work community, operating in solid harmony with the Apostolic See, by taking inspiration from the principles of the Church's social teaching. I am likewise certain that as they set forward work problems and develop continuous and constructive dialogue with the competent organisms they will not fail to take account in every case of the particular character of the Apostolic See, as pointed out in the initial part of this letter.

In relation to what has been expounded, Your Eminence will wish to prepare suitable executive documents for furthering a work community according to the principles set forth by means of suitable norms and structures.

5.1 emphasized in the Encyclical *Laborem exercens* that the worker's personal dignity requires expression in a particular relationship with the work entrusted to him. This relationship is objectively realizable in various ways according to the kind of work undertaken. It is realized subjectively when the worker lives it as "his own," even though he is working "for wages." Since the work in question here is performed within the Apostolic See and is therefore marked by the characteristics already mentioned, such a relationship calls for heartfelt sharing in that "concern for all the Churches" which is proper to the Chair of Peter.

Those who work for the Holy See must therefore have the profound conviction that their work above all entails an ecclesial responsibility to live in a spirit of authentic faith, and that the juridical-administrative aspects of their relationship with the Apostolic See stand in a particular light.

The Second Vatican Council provided us with copious teaching on the way in which all Christians, clerics, religious and laity can and ought to make such ecclesial concern their own.

So it seems necessary for all, especially those working with the Apostolic See, to deepen personal consciousness above all of the universal apostolic commitment of Christians and that arising from each one's specific vocation: that of the bishop, of the priest, of religious, of the laity. The answers to the present difficulties in the field of human labor are to be sought in the sphere of social justice. But they must also be sought in the area of an interior relationship with the work that each is called upon to perform. It seems evident that work – of whatever kind – carried out in the employment of the Apostolic See requires this in a quite special measure.

Besides the deepened interior relationship, this work calls for reciprocal respect, if it is to be advantageous and serene, based on human and Christian brotherhood by all and for all concerned. Only when it is allied with such brotherhood (that is, with love of man in truth), can justice manifest itself as true justice. We must try to find "of what spirit we are" (cf. Lk 9:55, *Vulg.*).

These latter questions have hardly been touched on here. They cannot be adequately formulated in administrative-juridical terms. This does not exempt us, however, from the search and effort necessary for making operative precisely within the circle of the Apostolic See that spirit of human work which comes from our Lord Jesus Christ.

As I entrust these thoughts. Most Reverend Cardinal, to your attentive consideration, I call down an abundance of the gifts of divine assistance upon the future commitment which putting them into practice requires. At the same time I impart my benediction to you from my heart and willingly extend it to all those who offer their meritorious service to the Apostolic See.

John Paul II, 20 Nov. 1987, apostolic constitution *Pastor bonus*, AAS 80 (1988): 841-930.

**Faculties provided Pontifical Commission *Ecclesia Dei*, 18 October 1988.
AAS 82 (1990): 533-534.**

A rescript from an Audience with his Holiness is given publicly by which special faculties are granted to the Cardinal President of the Pontifical Commission “*Ecclesia Dei*”

Because the special function committed to the Pontifical Commission “*Ecclesia Dei*” demands some actions which transcend the customary order of law. the President of this Pontifical Commission humbly seeks to exercise certain faculties after having heard the Moderators of the dicasteries who are concerned, if the case warrants its.

These are the faculties:

- a) of conceding to all those seeking it the use of the *Roman Missal* according to the *editio typica* in effect in 1962, and indeed according to the norms already proposed by the Commission of Cardinals instituted for this in December 1986, after advising beforehand the diocesan bishop;
- b) of dispensing according to the norm of the Apostolic Letter *Ecclesia Dei* given *motu proprio* from the irregularities enumerated in canon 1044, §1. number 1 and 2;
- c) of granting a radical sanation for marriages null because of the defect of form required by canon 1108 which have been celebrated before these same priests;
- d) of erecting the Priestly Fraternity of St. Peter into a clerical society of apostolic life of pontifical right when the special notes mentioned in n.6.a of the Apostolic Letter *Ecclesia Dei* given *motu proprio* have been observed, and of approving the Constitutions of this same society;
- e) of erecting a seminary of the Fraternity of St. Peter in Wigratzbad in the diocese of Augsburg with the previous consent of the diocesan bishop;
- f) of canonically erecting into an institute of consecrated life or into societies of apostolic life, after hearing the Prefect of the Congregation for Religious and Secular Institutes, communities which already exist and which are bound to previous liturgical forms and disciplines of the Latin tradition;

- g) of erecting associations of the faithful of the same mind who, after having completed a suitable preparation and after the experience has been proven in the customary manner, will become institutes of consecrated life or societies of apostolic life;
- h) of exercising the authority of the Holy See in those same societies and associations, unless some other provision is made.

Pont. Comm. *Ecclesia Dei*. Rescript of 18 October 1988. AAS 82 (1990): 533-534.

Instruction on Human Life, 22 February 1987. AAS 80 (1988): 70-102.

Foreword

The Congregation for the Doctrine of the Faith has been approached by various episcopal conferences or individual bishops, by theologians, doctors and scientists, concerning biomedical techniques which make it possible to intervene in the initial phase of the life of a human being and in the very processes of procreation and their conformity with the principles of Catholic morality. The present instruction, which is the result of wide consultation and in particular of a careful evaluation of the declarations made by episcopates, does not intend to repeat all the church's teaching on the dignity of human life as it originates and on procreation, but to offer, in the light of the previous teaching of the magisterium, some specific replies to the main questions being asked in this regard.

The exposition is arranged as follows: An introduction will recall the fundamental principles of an anthropological and moral character which are necessary for a proper evaluation of the problems and for working out replies to those questions; the first part will have as its subject respect for the human being from the first moment of his or her existence; the second part will deal with the moral questions raised by technical interventions on human procreation; the third part will offer some orientations on the relationships between moral law and civil law in terms of the respect due to human embryos and fetuses and as regards the legitimacy of techniques of artificial procreation.

Introduction

1. Biomedical Research and the Teaching of the Church

The gift of life which God the Creator and Father has entrusted to man calls him to appreciate the inestimable value of what he has been given and to take responsibility for it: This fundamental principle must be placed at the center of one's reflection in order to clarify and solve the moral problems raised by artificial interventions on life as it originates and on the processes of procreation.

Thanks to the progress of the biological and medical sciences, man has at his

disposal ever more effective therapeutic resources; but he can also acquire new powers, with unforeseeable consequences, over human life at its very beginning and in its first stages. Various procedures now make it possible to intervene not only in order to assist, but also to dominate the processes of procreation. These techniques can enable man to “take in hand his own destiny,” but they also expose him “to the temptation to go beyond the limits of a reasonable dominion over nature.”¹ They might constitute progress in the service of man, but they also involve serious risks. Many people are therefore expressing an urgent appeal that in interventions on procreation the values and rights of the human person be safeguarded. Requests for clarification and guidance are coming not only from the faithful, but also from those who recognize the church as “an expert in humanity”² with a mission to serve the “civilization of love”³ and of life.

The church’s magisterium does not intervene on the basis of a particular competence in the area of the experimental sciences; but having taken account of the data of research and technology, it intends to put forward, by virtue of its evangelical mission and apostolic duty, the moral teaching corresponding to the dignity of the person and to his or her integral vocation. It intends to do so by expounding the criteria of moral judgment as regards the applications of scientific research and technology, especially in relation to human life and its beginnings. These criteria are the respect, defense and promotion of man, his “primary and fundamental right” to life,⁴ his dignity as a person who is endowed with a spiritual soul and with moral responsibility⁵ and who is called to beatific communion with God.

The church’s intervention in this field is inspired also by the love which she owes to man, helping him to recognize and respect his rights and duties. This love draws from the fount of Christ’s love: As she contemplates the mystery¹ of the incarnate word, the church also comes to understand the “mystery of man”;⁶ by proclaiming the Gospel of salvation, she reveals to man his dignity and invites him to discover fully the truth of his own being. Thus the church once more puts forward the divine law in order to accomplish the work of truth and liberation.

¹ Pope John Paul II. Discourse to those taking part in the 81st “Congress of the Italian Society of Internal Medicine and the 82nd Congress of the Italian Society of General Surgery. Oct. 27. 1980 .AAS 72 (1980): 1126.

² Pope John Paul II, Discourse to the General Assembly of the United Nations. Oct 4. 1965. AAS 57 (1965): 878; encyclical *Populorum Progressio*, 13: AAS 59 (1967): 263.

³ Ibid . Homily During the Mass Closing the Holy Year, Dec. 25. 1975: AAS 68 (1976): 145. Pope John Paul II, encyclical *Dives in Misericordia*, 30: AAS 72 (1980): 1224.

⁴ Pope John Paul II, Discourse to those taking part in the 35th General Assembly of the World Medical Association, Oct. 29. 1983: AAS 76 (1984): 390.

⁵ Cf. Declaration *Dignitatis Humanae*, 2.

⁶ Pastoral constitution *Gaudium et spes*. 22; Pope John Paul II. encyclical *Redemptor Hominis*, 8: AAS 71 (1979): 270-272.

For it is out of goodness – in order to indicate the path of life – that God gives human beings his commandments and the grace to observe them; and it is likewise out of goodness – in order to help them persevere along the same path – that God always offers to everyone his forgiveness. Christ has compassion on our weaknesses: He is our Creator and Redeemer. May his Spirit open men's hearts to the gift of God's peace and to an understanding of his precepts.

2. Science and Technology at the Service of the Human Person

God created man in his own image and likeness: "Male and female he created them" (Gen 1:27), entrusting to them the task of "having dominion over the earth" (Gen 1:28). Basic scientific research and applied research constitute a significant expression of this dominion of man over creation. Science and technology are valuable resources for man when placed at his service and when they promote his integral development for the benefit of all; but they cannot of themselves show the meaning of existence and of human progress. Being ordered to man, who initiates and develops them, they draw from the person and his moral values the indication of their purpose and the awareness of their limits.

It would on the one hand be illusory to claim that scientific research and its applications are morally neutral; on the other hand one cannot derive criteria for guidance from mere technical efficiency, from research's possible usefulness to some at the expense of others or, worse still, from prevailing ideologies. Thus science and technology require for their own intrinsic meaning an unconditional respect for the fundamental criteria of the moral law: That is to say, they must be at the service of the human person, of his inalienable rights and his true and integral good according to the design and will of God.⁷

The rapid development of technological discoveries gives greater urgency to this need to respect the criteria just mentioned: Science without conscience can only lead to man's ruin. "Our era needs such wisdom more than bygone ages if the discoveries made by man are to be further humanized. For the future of the world stands in peril unless wiser people are forthcoming."⁸

The terms *zygote*, *pre-embryo*, *embryo* and *ems* can indicate in the vocabulary of biology successive stages of the development of a human being. The present instruction makes free use of these terms, attributing to them an identical ethical relevance, in order to designate the result (whether visible or not) of human generation, from the first moment of its existence until birth. The reason for this usage is clarified by the text (cf. I, 1).]

⁷ Cf. *Gaudium et spes*, 35.

⁸ Ibid., 15. cf also *Populorum Progressio*, 20. *Redemptor Hominis*, 15; Pope John Paul II. apostolic exhortation *Familiaris Consortio*, 8; AAS 74 (1982): 89.

3. Anthropology and Procedures in the Biomedical Field

Which moral criteria must be applied in order to clarify the problems posed today in the field of biomedicine? The answer to this question presupposes a proper idea of the nature of the human person in his bodily dimension.

For it is only in keeping with his true nature that the human person can achieve self-realization as a “unified totality”;⁹ and this nature is at the same time corporal and spiritual. By virtue of its substantial union with a spiritual soul, the human body cannot be considered as a mere complex of tissues, organs and functions, nor can it be evaluated in the same way as the body of animals; rather it is a constitutive part of the person who manifests and expresses himself through it.

The natural moral law expresses and lays down the purposes, rights and duties which are based upon the bodily and spiritual nature of the human person. Therefore this law cannot be thought of as simply a set of norms on the biological level; rather it must be defined as the rational order whereby man is called by the Creator to direct and regulate his life and actions and in particular to make use of his own body.¹⁰

A first consequence can be deduced from these principles: An intervention on the human body affects not only the tissues, the organs and their functions, but also involves the person himself on different levels. It involves, therefore, perhaps in an implicit but nonetheless real way, a moral significance and responsibility. Pope John Paul II forcefully reaffirmed this to the World Medical Association when he said:

“Each human person, in his absolutely unique singularity, is constituted not only by his spirit, but by his body as well. Thus, in the body and through the body, one touches the person himself in his concrete reality. To respect the dignity of man consequently amounts to safeguarding this identity of the man '*corpore et anima unus*,' as the Second Vatican Council says (*Gaudium et spes*, 14,1). It is on the basis of this anthropological vision that one is to find the fundamental criteria for decision making in the case of procedures which are not strictly therapeutic, as, for example, those aimed at the improvement of the human biological condition.”¹¹

Applied biology and medicine work together for the integral good of human life when they come to the aid of a person stricken by illness and infirmity and when

⁹ *Familiaris Consortio*, 11.

¹⁰ Cf. Pope Paul VI, encyclical *Humanae Vitae*, 10: AAS 60 (1986): 487-488.

¹¹ “Pope John Paul II, discourse to the members of the 35^m General Assembly of the World Medical Association, Oct. 29, 1983, AAS 16 (1984): 393.

they respect his or her dignity as a creature of God. No biologist or doctor can reasonably claim, by virtue of his scientific competence, to be able to decide on people's origin and destiny. This norm must be applied in a particular way in the field of sexuality and procreation, in which man and woman actualize the fundamental values of love and life.

God, who is love and life, has inscribed in man and woman the vocation to share in a special way in his mystery of personal communion and in his work as Creator and Father.* For this reason marriage possesses specific goods and values in its union and in procreation which cannot be likened to those existing in lower forms of life. Such values and meanings are of the personal order and determine from the moral point of view the meaning and limits of artificial interventions on procreation and on the origin of human life. These interventions are not to be rejected on the grounds that they are artificial. As such, they bear witness to the possibilities of the art of medicine. But they must be given a moral evaluation in reference to the dignity of the human person, who is called to realize his vocation from God to the gift of love and the gift of life.

4. Fundamental Criteria for a Moral Judgment

The fundamental values connected with the techniques of artificial human procreation are two: the life of the human being called into existence and the special nature of the transmission of human life in marriage. The moral judgment on such methods of artificial procreation must therefore be formulated in reference to these values.

Physical life, with which the course of human life in the world begins, certainly does not itself contain the whole of a person's value nor does it represent the supreme good of man, who is called to eternal life. However it does constitute in a certain way the "fundamental" value of life precisely because upon this physical life all the other values of the person are based and developed.¹³ The inviolability of the innocent human being's right to life "from the moment of conception until death"¹⁴ is a sign and requirement of the very inviolability of the person to whom the Creator has given the gift of life.

By comparison with the transmission of other forms of life in the universe, the transmission of human life has a special character of its own, which derives from the special nature of the human person. "The transmission of human life is entrusted by nature to a personal and conscious act and as such is subject to the all-

¹² Cf. *Familiaris Consortio*. 11. cf. also *Gaudium et spes*, 50.

¹³ Congregation for the Doctrine of the Faith. Declaration on Procured Abortion, 9: AAS 66 (1974): 736-737

¹⁴ Pope John Paul II. Discourse to those taking part in the 35th General Assembly of the World Medical Association. Oct. 29, 1983: AAS 76 (1984): 390.

holy laws of God: immutable and inviolable laws which must be recognized and observed. For this reason one cannot use means and follow methods which could be licit in the transmission of the life of plants and animals.”¹⁵

Advances in technology have now made it possible to procreate apart from sexual relations through the meeting *in vitro* of the germ cells previously taken from the man and the woman. But what is technically possible is not for that very reason morally admissible. Rational reflection on the fundamental values of life and of human procreation is therefore indispensable for formulating a moral evaluation of such technological interventions on a human being from the first stages of his development.

5. Teachings of the Magisterium

On its part, the magisterium of the church offers to human reason in this field too the light of revelation: The doctrine concerning man taught by the magisterium contains many elements which throw light on the problems being faced here.

From the moment of conception, the life of every human being is to be respected in an absolute way because man is the only creature on earth that God has “wished for himself”¹⁶ and the spiritual soul of each man is “immediately created” by God;¹⁷ his whole being bears the image of the Creator. Human life is sacred because from its beginning it involves “the creative action of God,”¹⁸ and it remains forever in a special relationship with the Creator, who is its sole end.¹⁹ God alone is the Lord of life from its beginning until its end: No one can in any circumstance claim for himself the right to destroy directly an innocent human being.²⁰

Human procreation requires on the part of the spouses responsible collaboration with the fruitful love of God;²¹ the gift of human life must be actualized in marriage through the specific and exclusive acts of husband and wife, in accordance with the

¹⁵ Pope John XXIII, encyclical *Mater et Magistra*, 111: AAS 53 (1961): 447.

“*Gaudium et spes*, 24.

¹⁷ Cf. Pope Pius XII, encyclical *Humani Generis*: AAS 42 (1950): 575, Pope Paul VI. *Professio Fidei*: AAS 60 (1968): 436.

Mater et Magistra, 111; cf. Pope John Paul II. Discourse to priests participating in a Seminar on “Responsible Procreation,” Sept. 17, 1983, *Insegnamenti di Giovanni Paolo II*, VI, 2 (1983): 562: “At the origin of each human person there is a creative act of God: No man comes into existence by chance, he is always the result of the creative love of God.”

¹⁸ Cf. *Gaudium et spes*, 24.

¹⁹ Cf. Pope Pius XII, Discourse to the St. Luke Medical-Biological Union. Nov. 12, 1944: *Discorsi e Radiomessaggi* VI (1944-1945): 191-192.

²¹ Cf. *Gaudium et spes*, 50.

laws inscribed in their persons and in their union."

I. Respect for Human Embryos

Careful reflection on this teaching of the magisterium and on the evidence of reason, as mentioned above, enables us to respond to the numerous moral problems posed by technical interventions upon the human being in the first phases of his life and upon the processes of his conception.

1. What respect is due to the human embryo, taking into account his nature and identity?

The human being must be respected -as a person -from the very first instant of his existence.

The implementation of procedures of artificial fertilization has made possible various interventions upon embryos and human fetuses. The aims pursued are of various kinds: diagnostic and therapeutic, scientific and commercial. From all of this, serious problems arise. Can one speak of a right to experimentation upon human embryos for the purpose of scientific research? What norms or laws should be worked out with regard to this matter? The response to these problems presupposes a detailed reflection on the nature and specific identity – the word *status* is used – of the human embryo itself.

At the Second Vatican Council, the church for her part presented once again to modern man her constant and certain doctrine according to which: "Life once conceived, must be protected with the utmost care; abortion and infanticide are abominable crimes."²² More recently, the Charter of the Rights of the Family, published by the Holy See, confirmed that "human life must be absolutely respected and protected from the moment of conception."²⁴

This congregation is aware of the current debates concerning the beginning of human life, concerning the individuality of the human being and concerning the identity of the human person. The congregation recalls the teachings found in the Declaration on Procured Abortion:

²² Cf. *ibid.*, 51 : "When it is a question of harmonizing married love with the responsible transmission of life, the moral character of one's behavior does not depend only on the good intention and the evaluation of the motives: The objective criteria must be used, criteria drawn from the nature of the human person and human acts, criteria which respect the total meaning of mutual self-giving and human procreation in the context of true love."

²³ *Gaudium et spes*, 51.

²⁴ Holy See, Charter of the Rights of the Family, 4: *L'Osservatore Romano*, Nov. 25, 1983.

“From the time that the ovum is fertilized, a new life is begun which is neither that of the father nor of the mother; it is rather the life of a new human being with his own growth. It would never be made human if it were not human already. To this perpetual evidence . . . modern genetic science brings valuable confirmation. It has demonstrated that, from the first instant, the program is fixed as to what this living being will be: a man, this individual man with his characteristic aspects already well determined. Right from fertilization is begun the adventure of a human life, and each of its great capacities requires time . . . to find its place and to be in a position to act.”²⁵

This teaching remains valid and is further confirmed, if confirmation were needed, by recent findings of human biological science which recognize that in the zygote (the cell produced when the nuclei of the two gametes have fused) resulting from fertilization the biological identity of a new human individual is already constituted.

Certainly no experimental datum can be in itself sufficient to bring us to the recognition of a spiritual soul; nevertheless, the conclusions of science regarding the human embryo provide a valuable indication for discerning by the use of reason a personal presence at the moment of this first appearance of a human life: How could a human individual not be a human person? The magisterium has not expressly committed itself to an affirmation of a philosophical nature, but it constantly reaffirms the moral condemnation of any kind of procured abortion. This teaching has not been changed and is unchangeable.²⁶

Thus the fruit of human generation from the first moment of its existence, that is to say, from the moment the zygote has formed, demands the unconditional respect that is morally due to the human being in his bodily and spiritual totality. The human being is to be respected and treated as a person from the moment of conception and therefore from that same moment his rights as a person must be recognized, among which in the first place is the inviolable right of every innocent human being to life.

This doctrinal reminder provides the fundamental criterion for the solution of the various problems posed by the development of the biomedical sciences in this field: Since the embryo must be treated as a person, it must also be defended in its integrity, tended and cared for, to the extent possible, in the same way as any other human being as far as medical assistance is concerned.

²⁵ Congregation for the Doctrine of the Faith, Declaration on Procured Abortion. 12-13.

²⁶ Cf. Pope Paul VI, Discourse to participants in the 23rd National Congress of Italian Catholic Juniors, Dec. 9, 1972: *AAS* 64 (1972): 777.

2. Is prenatal diagnosis morally licit?

If prenatal diagnosis respects the life and integrity of the embryo and the human fetus and is directed toward its safeguarding or healing as an individual, then the answer is affirmative.

For prenatal diagnosis makes it possible to know the condition of the embryo and of the fetus when still in the mother's womb. It permits or makes it possible to anticipate earlier and more effectively, certain therapeutic, medical or surgical procedures.

Such diagnosis is permissible, with the consent of the parents after they have been adequately informed, if the methods employed safeguard the life and integrity of the embryo and the mother, without subjecting them to disproportionate risks.²⁷ But this diagnosis is gravely opposed to the moral law when it is done with the thought of possibly inducing an abortion depending upon the results: A diagnosis which shows the existence of a malformation or a hereditary illness must not be the equivalent of a death sentence. Thus a woman would be committing a gravely illicit act if she were to request such a diagnosis with the deliberate intention of having an abortion should the results confirm the existence of a malformation or abnormality. The spouse or relatives or anyone else would similarly be acting in a manner contrary to the moral law if they were to counsel or impose such a diagnostic procedure on the expectant mother with the same intention of possibly proceeding to an abortion. So too the specialist would be guilty of illicit collaboration if, in conducting the diagnosis and in communicating its results, he were deliberately to contribute to establishing or favoring a link between prenatal diagnosis and abortion.

In conclusion, any directive or program of the civil and health authorities or of scientific organizations which in any way were to favor a link between prenatal diagnosis and abortion, or which were to go as far as directly to induce expectant mothers to submit to prenatal diagnosis planned for the purpose of eliminating fetuses which are affected by malformations or which are carriers of hereditary illness, is to be condemned as a violation of the unborn child's right to life and as

; The obligation to avoid disproportionate risks involves an authentic respect for human beings and the uprightness of therapeutic intentions. It implies that the doctor "above all... must carefully evaluate the possible negative consequences which the necessary use of a particular exploratory technique may have upon the unborn child and avoid recourse to diagnostic procedures which do not offer sufficient guarantees of their honest purpose and substantial harmlessness. And if, as often happens in human choices, a degree of risk must be undertaken, he will take care to assure that it is justified by a truly urgent need for the diagnosis and by the importance of the results that can be achieved by it for the benefit of the unborn child himself (Pope John Paul II, Discourse to participants in the Pro-Life Movement Congress, Dec. 3, 1982: *Insegnamenti di Giovanni Paolo II*, V, 3 [1982] 1512). This clarification concerning "proportionate risk" is also to be kept in mind in the following sections of the present instruction, whenever this term appears.

an abuse of the prior rights and duties of the spouses.

3. Are therapeutic procedures carried out on the human embryo licit?

As with all medical interventions on patients, *one must uphold as licit procedures carried out on the human embryo which respect the life and integrity of the embryo and do not involve disproportionate risks for it, but are directed toward its healing, the improvement of its condition of health or its individual survival.*

Whatever the type of medical, surgical or other therapy, the free and informed consent of the parents is required, according to the deontological rules followed in the case of children. The application of this moral principle may call for delicate and particular precautions in the case of embryonic or fetal life.

The legitimacy and criteria of such procedures have been clearly stated by Pope John Paul II: “A strictly therapeutic intervention whose explicit objective is the healing of various maladies such as those stemming from chromosomal defects will, in principle, be considered desirable, provided it is directed to the true promotion of the personal well-being of the individual without doing harm to his integrity or worsening his conditions of life. Such an intervention would indeed fall within the logic of the Christian moral tradition.”²⁸

4. How is one to evaluate research and experimentation' on human embryos and fetuses?

Medical research must refrain from operations on live embryos, unless there is a moral certainty of not causing harm to the life or integrity of the unborn child and the mother, and on condition that the parents have given, their free and informed consent to the procedure. It follows that all research, even when limited to the simple observation of the embryo, would become illicit were it to involve

“ Pope John Paul II. Discourse to the participants in the 35th General Assembly of the World Medical Association, Oct. 29, 1983: *AAS lit* (1984): 392.

' Since the terms *research* and *experimentation* are often used equivalently and ambiguously, it is deemed necessary to specify the exact meaning given them in this document.

1) By *research* is meant any inductive-deductive process which aims at promoting the systematic observation of a given phenomenon in the human field or at verifying a hypothesis arising from previous observations.

2) By *experimentation* is meant any research in which the human being (in the various stages of his existence: embryo, fetus, child or adult) represents the object through which or upon which one intends to verify the effect, at present unknown or not sufficiently known, of a given treatment (e.g.. pharmacological, teratogenic, surgical, etc.).

risk to the embryo's physical integrity or life by reason of the methods used or the effects induced.

As regards experimentation, and presupposing the general distinction between experimentation for purposes which are not directly therapeutic and experimentation which is clearly therapeutic for the subject himself, in the case in point one must also distinguish between experimentation carried out on embryos which are still alive and experimentation carried out on embryos which are dead. *If the embryos are living, whether viable or not, they must be respected just like any other human person; experimentation on embryos which is not directly therapeutic is illicit.*²⁹

No objective, even though noble in itself such as a foreseeable advantage to science, to other human beings or to society, can in any way justify experimentation on living human embryos or fetuses, whether viable or not, either inside or outside the mother's womb. The informed consent ordinarily required for clinical experimentation on adults cannot be granted by the parents, who may not freely dispose of the physical integrity or life of the unborn child. Moreover, experimentation on embryos and fetuses always involves risk, and indeed in most cases it involves the certain expectation of harm to their physical integrity or even their death.

To use human embryos or fetuses as the object or instrument of experimentation constitutes a crime against their dignity as human beings having a right to the same respect that is due to the child already born and to every human person.

The Charter of the Rights of the Family published by the Holy See affirms: "Respect for the dignity of the human being excludes all experimental manipulation or exploitation of the human embryo."³⁰ The practice of keeping alive human embryos *in vivo* or *in vitro* for experimental or commercial purposes is totally opposed to human dignity.

In the case of experimentation that is clearly therapeutic, namely, when it is a matter of experimental forms of therapy used for the benefit of the embryo itself in a final attempt to save its life and in the absence of other reliable forms of therapy, recourse to drugs or procedures not yet fully tested can be licit.³¹

²⁹ Cf. *ibid.* Address to a meeting of the Pontifical Academy of Sciences, Oct. 23, 1982: AAS 75 (1983): 37: "I condemn, in the most explicit and formal way, experimental manipulations of the human embryo, since the human being, from conception to death, cannot be exploited for any purpose whatsoever."

w Charter of the Rights of the Family, 4b.

³¹ Cf. Pope John Paul II. Address to the participants in the Pro-Life Movement Congress, Dec. 3, 1982: *Insegnamenti di Giovanni Paolo II*, V, 3 (1982): 1511: "Any form of experimentation on the fetus that may damage its integrity or worsen its condition is unacceptable, except in the case of a final effort to save it from death." Congregation for the Doctrine of the Faith. Declaration on Euthanasia, 4: AAS 72 (1980): 550: "In the absence of other sufficient remedies, it is permitted, with the patient's consent, to have recourse to the means provided by the most advanced medical techniques, even if these means are

The corpses of human embryos and fetuses, whether they have been deliberately aborted or not, must be respected just as the remains of other human beings. In particular, they cannot be subjected to mutilation or to autopsies if their death has not yet been verified and without the consent of the parents or of the mother. Furthermore, the moral requirements must be safeguarded that there be no complicity in deliberate abortion and that the risk of scandal be avoided. Also, in the case of dead fetuses, as for the corpses of adult persons, all commercial trafficking must be considered illicit and should be prohibited.

5. How is one to evaluate morally the use for research purposes of embryos obtained by fertilization “*in vitro*”?

Human embryos obtained *in vitro* are human beings and subjects with rights: Their dignity and right to life must be respected from the first moment of their existence. *It is immoral to produce human embryos destined to be exploited as disposable “biological material.”*

In the usual practice of *in vitro* fertilization, not all of the embryos are transferred to the woman’s body; some are destroyed. Just as the church condemns induced abortion, so she also forbids acts against the life of these human beings. *It is a duty to condemn the particular gravity’ of the voluntary destruction of human embryos obtained “in vitro ” for the sole purpose of research, either by means of artificial insemination or by means of “twin fission.”* By acting in this way the researcher usurps the place of God; and, even though he may be unaware of this, he sets himself up as the master of the destiny of others inasmuch as he arbitrarily chooses whom he will allow to live and whom he will send to death and kills defenseless human beings.

Methods of observation or experimentation which damage or impose grave and disproportionate risks upon embryos obtained *in vitro* are morally illicit for the same reasons. Every human being is to be respected for himself and cannot be reduced in worth to a pure and simple instrument for the advantage of others. *It is therefore not in conformity with the moral law deliberately to expose to death human embryos obtained “in vitro.”* In consequence of the fact that they have been produced *in vitro*, those embryos which are not transferred into the body of the mother and are called “spare” are exposed to an absurd fate, with no possibility of their being offered safe means of survival which can be licitly pursued.

6. What judgment should be made on other procedures of manipulating embryos connected with the “techniques of human reproduction?”

Techniques of fertilization *in vitro* can open the way to other forms of

still at the experimental stage and are not without a certain risk.”

biological and genetic manipulation of human embryos, such as attempts or plans for fertilization between human and animal gametes and the gestation of human embryos in the uterus of animals, or the hypothesis or project of constructing artificial uteruses for the human embryo. *These procedures are contrary to the human dignity proper to the embryo, and at the same time they are contrary to the right of every person to be conceived and to be born within marriage and from marriage*}² Also, attempts or hypotheses for obtaining a human being without any connection with sexuality through "twin, fission, " cloning or parthenogenesis are to be considered contrary to the moral law, since they are in opposition to the dignity both of human procreation and of the conjugal union.

The freezing of embryos, even when carried out in order to preserve the life of an embryo – cryopreservation – *constitutes an offense against the respect due to human beings* by exposing them to grave risks of death or harm to their physical integrity and depriving them, at least temporarily, of maternal shelter and gestation, thus placing them in a situation in which further offenses and manipulation are possible.

Certain attempts to influence chromosomal or genetic inheritance are not therapeutic, but are aimed at producing human beings selected according to sex or other predetermined qualities. These manipulations are contrary to the personal dignity of the human being and his or her integrity and identity. Therefore in no way can they be justified on the grounds of possible beneficial consequences for future humanity.³³ Every person must be respected for himself: In this consists the dignity and right of every human being from his or her beginning.

II. Interventions upon Human Procreation

By *artificial procreation* or *artificial fertilization* are understood here the different technical procedures directed toward obtaining a human conception in a manner other than the sexual union of man and woman. This instruction deals with fertilization of an ovum in a test tube (*in vitro* fertilization) and artificial insemination through transfer into the woman's genital tracts of previously collected sperm.

A preliminary point for the moral evaluation of such technical procedures is constituted by the consideration of the circumstances and consequences which those procedures involve in relation to the respect due the human embryo.

No one, before coming into existence, can claim a subjective right to begin to exist; nevertheless, it is legitimate to affirm the right of the child to have a fully human origin through conception in conformity with the personal nature of the human being. Life is a gift that must be bestowed in a manner worthy both of the subject receiving it and of the subjects transmitting it. This statement is to be borne in mind also for what will be explained concerning artificial human procreation.

² Cf. Pope John Paul II. Discourse to those taking part in the 35th General Assembly of the World Medical Association, Oct. 29. 1983: AAS 76 (1984): 391.

Development of the practice of *in vitro* fertilization has required innumerable fertilizations and destructions of human embryos. Even today, the usual practice presupposes a hyperovulation on the part of the woman: A number of ova are withdrawn, fertilized and then cultivated *in vitro* for some days. Usually not all are transferred into the genital tracts of the woman; some embryos, generally called “spare,” are destroyed or frozen. On occasion, some of the implanted embryos are sacrificed for various eugenic, economic or psychological reasons. Such deliberate destruction of human beings or their utilization for different purposes to the detriment of their integrity and life is contrary to the doctrine on procured abortion already recalled.

The connection between *in vitro* fertilization and the voluntary destruction of human embryos occurs too often. This is significant: Through these procedures, with apparently contrary purposes, life and death are subjected to the decision of man, who thus sets himself up as the giver of life and death by decree. This dynamic of violence and domination may remain unnoticed by those very individuals who, in wishing to utilize this procedure, become subject to it themselves. The facts recorded and the cold logic which links them must be taken into consideration for a moral judgment on *in vitro* fertilization and embryo transfer: The abortion mentality which has made this procedure possible thus leads, whether one wants it or not, to man’s domination over the life and death of his fellow human beings and can lead to a system of radical eugenics.

Nevertheless, such abuses do not exempt one from a further and thorough ethical study of the techniques of artificial procreation considered in themselves, abstracting as far as possible from the destruction of embryos produced *in vitro*.

The present instruction will therefore take into consideration in the first place the problems posed by heterologous artificial fertilization (II, ¶3), and subsequently those linked with homologous artificial fertilization (II, ¶6).

" By the term *heterologous artificial fertilization or procreation*, the instruction means techniques used to obtain a human conception artificially by the use of gametes coming from at least one donor other than the spouses who are joined in marriage. Such techniques can be of two types:

- a) *Heterologous "in vitro" fertilization and embryo transfer*: the technique used to obtain a human conception through the meeting *in vitro* of gametes taken from one donor other than the two spouses joined in marriage.
- b) *Heterologous artificial insemination*: the technique used to obtain a human conception through the transfer into the genital tracts of the woman of the sperm previously collected from a donor other than the husband.

"" By *artificial homologous fertilization or procreation*, the instruction means the technique used to obtain a human conception using the gametes of the two spouses joined in marriage. Homologous artificial fertilization can be carried out by two different methods:

- a) *Homologous "in vitro" fertilization and embryo transfer*, the technique used to obtain a human conception through (he meeting *in vitro* of the gametes of the spouses joined in marriage.
- b) *Homologous artificial insemination*: the technique used to obtain a human conception through the transfer into the genital tracts of a married woman of the sperm previously collected from her husband.

Before formulating an ethical judgment on each of these procedures, the principles and values which determine the moral evaluation of each of them will be considered.

A. Heterologous Artificial Fertilization

1. Why must human procreation take place in marriage?

Every human being is always to be accepted as a gift and blessing of God. However, from the moral point of view a truly responsible procreation vis-a-vis the unborn child must be the fruit of marriage.

For human procreation has characteristics by virtue of the personal dignity of the parents and of the children: The procreation of a new person, whereby the man and the woman collaborate with the power of the Creator, must be the fruit and the sign of the mutual self-giving of the spouses, of their love and of their fidelity.³⁴ *The fidelity of the spouses in the unity of marriage involves reciprocal respect of their right to become a father and a mother only through each other.*

The child has the right to be conceived, carried in the womb, brought into the world and brought up within marriage: It is through the secure and recognized relationship to his own parents that the child can discover his own identity and achieve his own proper human development.

The parents find in their child a confirmation and completion of their reciprocal self-giving: The child is the living image of their love, the permanent sign of their conjugal union, the living and indissoluble concrete expression of their paternity and maternity.³⁵

By reason of the vocation and social responsibilities of the person, the good of the children and of the parents contributes to the good of civil society; the vitality and stability of society require that children come into the world within a family and that the family be firmly based on marriage.

The tradition of the church and anthropological reflection recognize in marriage and in its indissoluble unity the only setting worthy of truly responsible procreation.

2. Does heterologous artificial fertilization conform to the dignity of the couple and to the truth of marriage?

Through *in vitro* fertilization and embryo transfer and heterologous artificial insemination, human conception is achieved through the fusion of gametes of at

M Cf. *Gaudium et spes*, 50.

M Cf. *Familiaris Consortio*, 14.

sterility which cannot be overcome in any other way constitute understandable motivations; but subjectively good intentions do not render heterologous artificial fertilization conformable to the objective and inalienable properties of marriage or respectful of the rights of the child and of the spouses.

3. Is “surrogate’.....motherhood morally licit?

No, for the same reasons which lead one to reject heterologous artificial fertilization: For it is contrary to the unity of marriage and to the dignity of the procreation of the human person.

Surrogate motherhood represents an objective failure to meet the obligations of maternal love, of conjugal fidelity and of responsible motherhood; it offends the dignity and the right of the child to be conceived, carried in the womb, brought into the world and brought up by his own parents; it sets up, to the detriment of families, a division between the physical, psychological and moral elements which constitute those families.

B. Homologous Artificial Fertilization

Since heterologous artificial fertilization has been declared unacceptable, the question arises of how to evaluate morally the process of homologous artificial fertilization: *in vitro* fertilization and embryo transfer and artificial insemination between husband and wife. First a question of principle must be clarified.

4. What connection is required from the moral point of view between procreation and the conjugal act?

a) The church’s teaching on marriage and human procreation affirms the “inseparable connection, willed by God and unable to be broken by man on his own initiative, between the two meanings of the conjugal act: the unitive meaning and the procreative meaning. Indeed, by its intimate structure the conjugal act, while most closely uniting husband and wife, capacitates them for the generation

“** By *surrogate mother* the instruction means:

a) The woman who carries in pregnancy an embryo implanted in her uterus and who is genetically a stranger to the embryo because it has been obtained through the union of the gametes of “donors.” She carries the pregnancy with a pledge to surrender the baby once it is born to the party who commissioned or made the agreement for the pregnancy. ▲

b) The woman who carries in pregnancy an embryo to whose procreation she has contributed the donation of her own ovum, fertilized through insemination with the sperm of a man other than her husband. She carries the pregnancy with a pledge to surrender the child once it is born to the party who commissioned or made the agreement for the pregnancy.

of new lives according to laws inscribed in the very being of man and of woman.”³⁸ This principle, which is based upon the nature of marriage and the intimate connection of the goods of marriage, has well-known consequences on the level of responsible fatherhood and motherhood. “By safeguarding both these essential aspects, the unitive and the procreative, the conjugal act preserves in its fullness the sense of true mutual love and its ordination toward man’s exalted vocation to parenthood.”³⁹

The same doctrine concerning the link between the meanings of the conjugal act and between the goods of marriage throws light on the moral problem of homologous artificial fertilization, since “it is never permitted to separate these different aspects to such a degree as positively to exclude either the procreative intention or the conjugal relation.”⁴⁰

Contraception deliberately deprives the conjugal act of its openness to procreation and in this way brings about a voluntary dissociation of the ends of marriage. Homologous artificial fertilization, in seeking a procreation which is not the fruit of a specific act of conjugal union, objectively effects an analogous separation between the goods and the meanings of marriage.

Thus *fertilization is licitly sought when it is the result of a “conjugal act which is per se suitable for the generation of children, to which marriage is ordered by its nature and by which the spouses become one flesh.”*⁴¹ *But from the moral point of view procreation is deprived of its proper perfection when it is not desired as the fruit of the conjugal act, that is to say, of the specific act of the spouses’ union.*

b) The moral value of the intimate link between the goods of marriage and between the meanings of the conjugal act is based upon the unity of the human being, a unity involving body and spiritual soul.⁴² Spouses mutually express their personal love in the “language of the body,” which clearly involves both “spousal meanings” and parental ones.⁴³ The conjugal act by which the couple mutually express their self-gift at the same time expresses openness to the gift of life. It is an act that is inseparably corporal and spiritual. It is in their bodies and through their bodies that the spouses consummate their marriage and are able to become father and mother. In order to respect the language of their bodies and their natural generosity, the conjugal union must take place with respect for its openness to

³⁸ *Humanae Vitae*, 12.

³⁹ Ibid.

⁴⁰ Pope Pius XII. Discourse to those taking part in the Second Naples World Congress on Fertility and Human Sterility, May 19, 1956: AAS 48 (1956): 470.

⁴¹ *Code of Canon Law*, canon 1061. According to this canon, the conjugal act is that by which the marriage is consummated if the couple “have performed (it) between themselves in a human manner.”

⁴² Cf. *Gaudium et spes*, 14.

⁴³ Cf. Pope John Paul II. General Audience Jan. 16, 1980: *Insegnamenti di Giovanni Paolo II*, III, 1 (1980): 148-152.

procreation; and the procreation of a person must be the fruit and the result of married love. The origin of the human being thus follows from a procreation that is “linked to the union, not only biological but also spiritual, of the parents, made one by the bond of marriage.”⁴⁴ Fertilization achieved outside the bodies of the couple remains by this very fact deprived of the meanings and the values which are expressed in the language of the body and in the union of human persons.

c) Only respect for the link between the meanings of the conjugal act and respect for the unity of the human being make possible procreation in conformity with the dignity of the person. In his unique and irrepeatable origin, the child must be respected and recognized as equal in personal dignity to those who give him life. The human person must be accepted in his parents’ act of union and love; the generation of a child must therefore be the fruit of that mutual giving⁴⁵ which is realized in the conjugal act wherein the spouses cooperate as servants and not as masters in the work of the Creator, who is love.⁴⁶

In reality, the origin of a human person is the result of an act of giving. The one conceived must be the fruit of his parents’ love. He cannot be desired or conceived as the product of an intervention of medical or biological techniques; that would be equivalent to reducing him to an object of scientific technology. No one may subject the coming of a child into the world to conditions of technical efficiency which are to be evaluated according to standards of control and dominion.

The moral relevance of the link between the meanings of the conjugal act and between the goods of marriage, as well as the unity of the human being and the dignity of his origin, demand that the procreation of a human person be brought about as the fruit of the conjugal act specific to the love between spouses. The link between procreation and the conjugal act is thus shown to be of great importance on the anthropological and moral planes, and it throws light on the positions of the magisterium with regard to homologous artificial fertilization.

5. Is homologous “*in vitro*” fertilization morally licit?

The answer to this question is strictly dependent on the principles just mentioned. Certainly one cannot ignore the legitimate aspirations of sterile couples. For some, recourse to homologous *in vitro* fertilization and embryo transfer appears to be the only way of fulfilling their sincere desire for a child. The question is asked whether the totality of conjugal life in such situations is not sufficient to ensure the dignity proper to human procreation. It is acknowledged that *in vitro* fertilization and embryo transfer certainly cannot supply for the

⁴⁴ *ibid.*. Discourse to those taking part in the 35th General Assembly of the World Medical Association. Oct. 29, 1983: AAS 76 (1984): 393.

⁴⁵ Cf. *Gaudium et spes*. 51.

* *Ibid.*. 50.

absence of sexual relations⁴⁷ and cannot be preferred to the specific acts of conjugal union, given the risks involved for the child and the difficulties of the procedure. But it is asked whether, when there is no other way of overcoming the sterility which is a source of suffering, homologous *in vitro* fertilization may not constitute an aid, if not a form of therapy, whereby its moral licitness could be admitted.

The desire for a child – or at the very least an openness to the transmission of life – is a necessary prerequisite from the moral point of view for responsible human procreation. But this good intention is not sufficient for making a positive moral evaluation of *in vitro* fertilization between spouses. The process of *in vitro* fertilization and embryo transfer must be judged in itself and cannot borrow its definitive moral quality from the totality of conjugal life of which it becomes part nor from the conjugal acts which may precede or follow it.⁴⁸

It has already been recalled that in the circumstances in which it is regularly practiced *in vitro* fertilization and embryo transfer involves the destruction of human beings, which is something contrary to the doctrine on the illicitness of abortion previously mentioned.⁴⁹ But even in a situation in which every precaution were taken to avoid the death of human embryos, homologous *in vitro* fertilization and embryo transfer dissociates from the conjugal act the actions which are directed to human fertilization. For this reason the very nature of homologous *in vitro* fertilization and embryo transfer also must be taken into account, even abstracting from the link with procured abortion.

Homologous *in vitro* fertilization and embryo transfer is brought about outside the bodies of the couple through actions of third parties whose competence and technical activity determine the success of the procedure. Such fertilization entrusts the life and identity of the embryo into the power of doctors and biologists and establishes the domination of technology over the origin and destiny of the human person. Such a relationship of domination is in itself contrary to the dignity and equality that must be common to parents and children.

Conception *in vitro* is the result of the technical action which presides over fertilization. *Such fertilization is neither in fact achieved nor positively willed as the expression and fruit of a specific act of the conjugal union. In homologous “in vitro” fertilization and embryo transfer, therefore, even if it is considered in the context of de facto existing sexual relations, the generation of the human person is objectively deprived of its proper perfection: namely, that of being the result and*

⁴⁷ Cf. Pope Pius XII, Discourse to those taking part in the Fourth International Congress of Catholic Doctors, Sept. 29, 1949: AAS 41 (1949): 560: "It would be erroneous ... to think that the possibility of resorting to this means (artificial fertilization) might render valid a marriage between persons unable to contract it because of the *impedimentum impotentiae*."

^w A similar question was dealt with by Pope Paul VI, *Humanae Vitae*, 14.

⁴⁹ Cf. *Supra*: I, 1 ff.

fruit of a conjugal act in which the spouses can become “cooperators with God for giving life to a new person.”⁵⁰

These reasons enable us to understand why the act of conjugal love is considered in the teaching of the church as the only setting worthy of human procreation. For the same reasons the so-called “simple case,” i.e., a homologous *in vitro* fertilization and embryo transfer procedure that is free of any compromise with the abortive practice of destroying embryos and with masturbation, remains a technique which is morally illicit because it deprives human procreation of the dignity which is proper and connatural to it.

Certainly, homologous *in vitro* fertilization and embryo transfer fertilization is not marked by all that ethical negativity found in extraconjugal procreation; the family and marriage continue to constitute the setting for the birth and upbringing of the children. Nevertheless, in conformity with the traditional doctrine relating to the goods of marriage and the dignity of the person, *the church remains opposed from the moral point of view to homologous “in vitro” fertilization. Such fertilization is in itself illicit and in opposition to the dignity of procreation and of the conjugal union, even when everything is done to avoid the death of the human embryo.*

Although the manner in which human conception is achieved with *in vitro* fertilization and embryo transfer cannot be approved, every child which comes into the world must in any case be accepted as a living gift of the divine Goodness and must be brought up with love.

6. How is homologous artificial insemination to be evaluated from the moral point of view?

Homologous artificial insemination within marriage cannot be admitted except for those cases in which the technical means is not a substitute for the conjugal act but serves to facilitate and to help so that the act attains its natural purpose.

The teaching of the magisterium on this point has already been stated.⁵¹ This teaching is not just an expression of particular historical circumstances, but is based on the church’s doctrine concerning the connection between the conjugal union and procreation and on a consideration of the personal nature of the conjugal

⁵⁰ *Familiaris Consortio*. 14: AAS 74 (1982) 96.

⁵¹ Cf. Response of the Holy Office. March 17, 1897: DS 3323; Pope Pius XU, Discourse to those taking part in the Fourth International Congress of Catholic Doctors, Sept. 29, 1949: AAS 41 (1949): 560; Discourse to the Italian Catholic Union of Midwives, Oct. 29, 1951: /LAS 43 (1951): 850; Discourse to those taking part in the Second Naples World Congress on Fertility and Human Sterility, May 19, 1956 AAS, 48 (1956): 471-473; Discourse to those taking part in the Seventh International Congress of the International Society of Hematology, Sept 12, 1958: AAS 50 (1958): 733; *Mater et Magistra*, III.

act and of human procreation. “In its natural structure, the conjugal act is a personal action, a simultaneous and immediate cooperation on the part of the husband and wife, which by the very nature of the agents and the proper nature of the act is the expression of the mutual gift which, according to the words of Scripture, brings about union ‘in one flesh’.”⁵² Thus moral conscience “does not necessarily proscribe the use of certain artificial means destined solely either to the facilitating of the natural act or to ensuring that the natural act normally performed achieves its proper end.”⁵³ If the technical means facilitates the conjugal act or helps it to reach its natural objectives, it can be morally acceptable. If, on the other hand, the procedure were to replace the conjugal act, it is morally illicit.

Artificial insemination as a substitute for the conjugal act is prohibited by reason of the voluntarily achieved dissociation of the two meanings of the conjugal act. Masturbation, through which the sperm is normally obtained, is another sign of this dissociation: Even when it is done for the purpose of procreation the act remains deprived of its unitive meaning: “It lacks the sexual relationship called for by the moral order, namely the relationship which realizes ‘the full sense of mutual self-giving and human procreation in the context of true love’.”⁵⁴

7. What moral criterion can be proposed with regard to medical intervention in human procreation?

The medical act must be evaluated not only with reference to its technical dimension, but also and above all in relation to its goal, which is the good of persons and their bodily and psychological health. The moral criteria for medical intervention in procreation are deduced from the dignity of human persons, of their sexuality and of their origin.

Medicine which seeks to be ordered to the integral good of the person must respect the specifically human values of sexuality,⁵⁵ The doctor is at the service of persons and of human procreation. He does not have the authority to dispose of them or to decide their fate. A medical intervention respects the dignity of persons when it seeks to assist the conjugal act either in order to facilitate its performance

⁵² Pope Pius XII, Discourse to the Italian Catholic Union of Midwives, Oct. 29. 1951: AAS 43 (1951): 850.

⁵³ Ibid., Discourse to those taking part in the Fourth International Congress of Catholic Doctors. Sept. 29, 1949: AAS 41 (1949): 560.

⁵⁴ Congregation for the Doctrine of the Faith, Declaration on Certain Questions Concerning Sexual Ethics, 9: AAS 68 (1976): 86, which quotes *Gaudium et Spes*, 51. Cf. Decree of the Holy Office. Aug. 2, 1929: AAS 21 (1929): 490; Pope Pius XII, Discourse to those taking part in the 26th Congress of the Italian Society of Urology, Oct. 8, 1953: AAS 45 (1953): 678.

⁵⁵ Cf. Pope John XXIII, *Mater et Magistra*, III.

or in order to enable it to achieve its objective once it has been normally performed.⁵⁶

On the other hand, it sometimes happens that a medical procedure technologically replaces the conjugal act in order to obtain a procreation which is neither its result nor its fruit. In this case the medical act is not, as it should be, at the service of conjugal union, but rather appropriates to itself the procreative function and thus contradicts the dignity and the inalienable rights of the spouses and of the child to be born.

The humanization of medicine, which is insisted upon today by everyone, requires respect for the integral dignity of the human person first of all in the act and at the moment in which the spouses transmit life to a new person. It is only logical therefore to address an urgent appeal to Catholic doctors and scientists that they bear exemplary witness to the respect due to the human embryo and to the dignity of procreation. The medical and nursing staff of Catholic hospitals and clinics are in a special way urged to do justice to the moral obligations which they have assumed, frequently also, as part of their contract. Those who are in charge of Catholic hospitals and clinics and who are often religious will take special care to safeguard and promote a diligent observance of the moral norms recalled in the present instruction.

8. The suffering caused by infertility in marriage.

The suffering of spouses who cannot have children or who are afraid of bringing a handicapped child into the world is a suffering that everyone must understand and properly evaluate.

On the part of the spouses, the desire for a child is natural: It expresses the vocation to fatherhood and motherhood inscribed in conjugal love. This desire can be even stronger if the couple is affected by sterility which appears incurable. Nevertheless, marriage does not confer upon the spouses the right to have a child, but only the right to perform those natural acts which are per se ordered to procreation.⁵⁷

A true and proper right to a child would be contrary to the child's dignity' and nature. The child is not an object to which one has a right nor can he be considered as an object of ownership: Rather, a child is a gift, "the supreme gift"TM and the most gratuitous gift of marriage, and is a living testimony of the mutual

⁵⁴ Cf. Pope Pius XII. Discourse to those taking part in the Fourth International Congress of Catholic Doctors, Sept 29, 1949. AAS 41 (1949): 560. M

⁵⁷ Cf. *ibid.*, Discourse to those taking part in the Second Naples World Congress on Fertility and Human Sterility, May 19, 1956: AAS 48 (1956): 471-473.

⁵¹ *Gaudium et Spes*, 50.

giving of his parents. For this reason, the child has the right as already mentioned, to be the fruit of the specific act of the conjugal love of his parents, and he also has the right to be respected as a person from the moment of his conception.

Nevertheless, whatever its cause or prognosis, sterility is certainly a difficult trial. The community of believers is called to shed light upon and support the suffering of those who are unable to fulfill their legitimate aspiration to motherhood and fatherhood. Spouses who find themselves in this sad situation are called to find in it an opportunity for sharing in a particular way in the Lord's cross, the source of spiritual fruitfulness. Sterile couples must not forget that "even when procreation is not possible, conjugal life does not for this reason lose its value. Physical sterility in fact can be for spouses the occasion for other important services to the life of the human person, for example, adoption, various forms of educational work and assistance to other families and to poor or handicapped children."⁵⁹

Many researchers are engaged in the fight against sterility. While fully safeguarding the dignity of human procreation, some have achieved results which previously seemed unattainable. Scientists therefore are to be encouraged to continue their research with the aim of preventing the causes of sterility and of being able to remedy them so that sterile couples will be able to procreate in full respect for their own personal dignity and that of the child to be born.

III. Moral and Civil Law

The Values and Moral Obligations That Civil Legislation Must Respect And Sanction in This Matter

The inviolable right to life of every innocent human individual and the rights of the family and of the institution of marriage constitute fundamental moral values because they concern the natural condition and integral vocation of the human person; at the same time they are constitutive elements of civil society and its order.

For this reason the new technological possibilities which have opened up in the field of biomedicine require the intervention of the political authorities and of the legislator, since an uncontrolled application of such techniques could lead to unforeseeable and damaging consequences for civil society. Recourse to the conscience of each individual and to the self-regulation of researchers cannot be sufficient for ensuring respect for personal rights and public order. If the legislator responsible for the common good were not watchful, he could be deprived of his prerogatives by researchers claiming to govern humanity in the name of the

⁵⁹ *Familiaris Consortio*, 14.

biological discoveries and the alleged “improvement” processes which they would draw from those discoveries. “Eugenism” and forms of discrimination between human beings could come to be legitimized: This would constitute an act of violence and a serious offense to the equality, dignity and fundamental rights of the human person.

The intervention of the public authority must be inspired by the rational principles which regulate the relationships between civil law and moral law. The task of the civil law is to ensure the common good of people through the recognition of and the defense of fundamental rights and through the promotion of peace and of public morality.⁶⁰ In no sphere of life can the civil law take the place of conscience or dictate norms concerning things which are outside its competence. It must sometimes tolerate, for the sake of public order, things which it cannot forbid without a greater evil resulting. However, the inalienable rights of the person must be recognized and respected by civil society and the political authority. These human rights depend neither on single individuals nor on parents; nor do they represent a concession made by society and the state: They pertain to human nature and are inherent in the person by virtue of the creative act from which the person took his or her origin.

Among such fundamental rights one should mention in this regard: a) every human being’s right to life and physical integrity from the moment of conception until death; b) the rights of the family and of marriage as an institution and, in this area, the child’s right to be conceived, brought into the world and brought up by his parents. To each of these two themes it is necessary here to give some further consideration.

In various states certain laws have authorized the direct suppression of innocents: The moment a positive law deprives a category of human beings of the protection which civil legislation must accord them, the state is denying the equality of all before the law. When the state does not place its power at the service of the rights of each citizen, and in particular of the more vulnerable, the very foundations of a state based on law are undermined. The political authority consequently cannot give approval to the calling of human beings into existence through procedures which would expose them to those very grave risks noted previously. The possible recognition by positive law and the political authorities of techniques of artificial transmission of life and the experimentation connected with it would widen the breach already opened by the legalization of abortion.

As a consequence of the respect and protection which must be ensured for the unborn child from the moment of his conception, the law must provide appropriate penal sanctions for every deliberate violation of the child’s rights. The law cannot tolerate – indeed it must expressly forbid – that human beings, even at the embryonic stage, should be treated as objects of experimentation, be mutilated or

“ Cf *Dignitatis Humanae*. 7.

destroyed with the excuse that they are superfluous or incapable of developing normally.

The political authority is bound to guarantee to the institution of the family, upon which society is based, the juridical protection to which it has a right. From the very fact that it is at the service of people, the political authority must also be at the service of the family. Civil law cannot grant approval to techniques of artificial procreation which, for the benefit of third parties (doctors, biologists, economic or governmental powers), take away what is a right inherent in the relationship between spouses; and therefore civil law cannot legalize the donation of gametes between persons who are not legitimately united in marriage.

Legislation must also prohibit, by virtue of the support which is due to the family, embryo banks, postmortem insemination and “surrogate motherhood.”

It is part of the duty of the public authority to ensure that the civil law is regulated according to the fundamental norms of the moral law in matters concerning human rights, human life and the institution of the family. Politicians must commit themselves, through their interventions upon public opinion, to securing in society the widest possible consensus on such essential points and to consolidating this consensus wherever it risks being weakened or is in danger of collapse.

In many countries the legalization of abortion and juridical tolerance of unmarried couples make it more difficult to secure respect for the fundamental rights recalled by this instruction. It is to be hoped that states will not become responsible for aggravating these socially damaging situations of injustice. It is rather to be hoped that nations and states will realize all the cultural, ideological and political implications connected with the techniques of artificial procreation and will find the wisdom and courage necessary for issuing laws which are more just and more respectful of human life and the institution of the family.

The civil legislation of many states confers an undue legitimation upon certain practices in the eyes of many today; it is seen to be incapable of guaranteeing that morality which is in conformity with the natural exigencies of the human person and with the “unwritten laws” etched by the Creator upon the human heart. All men of good will must commit themselves, particularly within their professional field and in the exercise of their civil rights, to ensuring the reform of morally unacceptable civil laws and the correction of illicit practices. In addition, “conscientious objection” vis-a-vis such laws must be supported and recognized. A movement of passive resistance to the legitimation of practices contrary to human life and dignity is beginning to make an ever sharper impression upon the moral conscience of many, especially among specialists in the biomedical sciences.

Conclusion

The spread of technologies of intervention in the processes of human

procreation raises very serious moral problems in relation to the respect due to the human being from the moment of conception, to the dignity of the person, of his or her sexuality and of the transmission of life.

With this instruction the Congregation for the Doctrine of the Faith, in fulfilling its responsibility to promote and defend the church's teaching in so serious a matter, addresses a new and heartfelt invitation to all those who, by reason of their role and their commitment, can exercise a positive influence and ensure that in the family and in society due respect is accorded to life and love. It addresses this invitation to those responsible for the formation of consciences and of public opinion, to scientists and medical professionals, to jurists and politicians. It hopes that all will understand the incompatibility between recognition of the dignity of the human person and contempt for life and love, between faith in the living God and the claim to decide arbitrarily the origin and fate of a human being.

In particular, the Congregation for the Doctrine of the Faith addresses an invitation with confidence and encouragement to theologians, and above all to moralists, that they study more deeply and make ever more accessible to the faithful the contents of the teaching of the church's magisterium in the light of a valid anthropology in the matter of sexuality and marriage and in the context of the necessary interdisciplinary approach. Thus they will make it possible to understand ever more clearly the reasons for and the validity of this teaching. By defending man against the excesses of his own power, the church of God reminds him of the reasons for his true nobility; only in this way can the possibility of living and loving with that dignity and liberty which derive from respect for the truth be ensured for the men and women of tomorrow. The precise indications which are offered in the present instruction therefore are not meant to halt the effort of reflection, but rather to give it a renewed impulse in unrenounceable fidelity to the teaching of the church.

In the light of the truth about the gift of human life and in the light of the moral principles which flow from that truth, everyone is invited to act in the area of responsibility proper to each and, like the Good Samaritan, to recognize as a neighbor even the littlest among the children of men (cf. Lk 10:29-37). Here Christ's words find a new and particular echo: "What you do to one of the least of my brethren, you do unto me" (Mt 25:40).

During an audience granted to the undersigned prefect after the plenary session of the Congregation for the Doctrine of the Faith, the supreme pontiff, John Paul II. approved this instruction and ordered it to be published.

Given at Rome, from the Congregation for the Doctrine of the Faith, Feb. 22, 1987, the feast of the chair of St. Peter, the apostle.

AIDS Document:

Card. Joseph Ratzinger, 29 May 1988, letter, *Origins* 18 (1988): 117-118.

Curial Statements:

John Paul II, 28 June 1986, address to members of the Roman Cuna, *TPS* 31 (1986): 333-342; *Origins* 16(1986): 191-195.

Sec. for Promoting Chr. Unity, 22 September 1987, statement on Baptism, Eucharist, and Ministry *Origins* 17 (1987): 401,403-416.

CANON 377

Particular Legislation: Nominees for Episcopal Appointment.

The Gambia, Liberia, and Sierra Leone:

The Conference Plenary will send every three years to the Holy See a list of priests suitable for the episcopate.

TTCABIC. 3 (1986): 8.

CANON 383

Instruction “To Bishops on the Care of Homosexual Persons,” 1 October 1986. AAS 79 (1987): 543-554.

The issue of homosexuality and the moral evaluation of homosexual acts have increasingly become a matter of public debate, even in Catholic circles. Since this debate often advances arguments and makes assertions inconsistent with the teaching of the Catholic Church, it is quite rightly a cause for concern to all engaged in the pastoral ministry, and this Congregation has judged it to be of sufficiently grave and widespread importance to address to the Bishops of the Catholic Church this Letter on the Pastoral Care of Homosexual Persons.

Naturally, an exhaustive treatment of this complex issue cannot be attempted here, but we will focus our reflection within the distinctive context of the Catholic moral perspective. It is a perspective which finds support in the secure findings of the natural sciences, which have their own legitimate and proper methodology and field of inquiry.

However, the Catholic moral viewpoint is founded on human reason illuminated by faith and is consciously motivated by the desire to do the will of God our Father. The Church is thus in a position to learn from scientific discovery but also to transcend the horizons of science and to be confident that her more global vision does greater justice to the rich reality of the human person in his spiritual and

physical dimensions, created by God and heir, by grace, to eternal life.

It is within this context, then, that it can be clearly seen that the phenomenon of homosexuality, complex as it is, and with its many consequences for society and ecclesial life, is a proper focus for the Church's pastoral care. It thus requires of her ministers attentive study, active concern and honest theologically well-balanced counsel.

Explicit treatment of the problem was given in this Congregation's "Declaration on Certain Questions Concerning Sexual Ethics" of December 29, 1975. That document stressed the duty of trying to understand the homosexual condition and noted that culpability for homosexual acts should only be judged with prudence. At the same time the Congregation took note of the distinction commonly drawn between the homosexual condition or tendency and individual homosexual actions. These were described as deprived of their essential and indispensable finality, as being "intrinsically disordered," and able in no case to be approved of.¹

In the discussion which followed the publication of the Declaration, however, an overly benign interpretation was given to the homosexual condition itself, some going so far as to call it neutral, or even good. Although the particular inclination of the homosexual person is not a sin, it is a more or less strong tendency ordered towards an intrinsic moral evil: and thus the inclination itself must be seen as an objective disorder.

Therefore special concern and pastoral attention should be directed toward those who have this condition, lest they be led to believe that the living out of this orientation in homosexual activity is a morally acceptable option. It is not.

An essential dimension of authentic pastoral care is the identification of causes of confusion regarding the Church's teaching. One is a new exegesis of Sacred Scripture which claims variously that Scripture has nothing to say on the subject of homosexuality, or that it somehow tacitly approves of it, or that all of its moral injunctions are so culture-bound that they are no longer applicable to contemporary life. These views are gravely erroneous and call for particular attention here.

It is quite true that the Biblical literature owes to the different epochs in which was written a good deal of its varied patterns of thought and expression.² The Church today addresses the Gospel to a world which differs in many ways from ancient days. But the world in which the New Testament was written was already quite diverse from the situation in which the Sacred Scriptures of the Hebrew People had been written or compiled, for example.

What should be noticed is that, in the presence of such remarkable diversity, there is nevertheless a clear consistency within the Scriptures themselves on the moral issue of homosexual behavior. The Church's doctrine regarding this issue is thus based, not on isolated phrases for facile theological argument but on the

¹ Cf. n. 8. par. 4.

² *Dei Verbum* 12.

solid foundation of a constant Biblical testimony. The community of faith today, in unbroken continuity with the Jewish and Christian communities within which the ancient Scriptures were written, continues to be nourished by those same Scriptures and by the Spirit of Truth whose Word they are. It is likewise essential to recognize that the Scriptures are not properly understood when they are interpreted in a way which contradicts the Church's living Tradition. To be correct, the interpretation of Scripture must be in substantial accord with that Tradition.

The Vatican Council II in *Dei Verbum* 10, put it this way: "It is clear, therefore, that in the supremely wise arrangement of God, Sacred Tradition, sacred Scripture, and the Magisterium of the Church are so connected and associated that one of them cannot stand without the others. Working together, each in its own way under the action of the one Holy Spirit, they all contribute effectively to the salvation of souls." In that spirit we wish to outline briefly the Biblical teaching here.

* * *

Providing a basic plan for understanding this entire discussion of homosexuality is the theology of creation we find in Genesis. God, by His infinite wisdom and love, brings into existence all of reality as a reflection of His goodness. He fashions mankind, male and female, in His own image and likeness. Human beings, therefore, are nothing less than the work of God himself; and in the complementarity of the sexes, they are called to reflect the inner unity of the Creator. They do this in a striking way in their cooperation with Him in the transmission of life by a mutual donation of the self to the other.

In Genesis 3, we find that this truth about persons being an image of God has been obscured by original sin. There inevitably follows a loss of awareness of the covenantal character of the union these persons had with God and with each other. The human body retains its "spousal significance" but this is now clouded by sin. Thus, in Genesis 19:1-11, the deterioration due to sin continues in the story of the men of Sodom. There can be no doubt of the moral judgment made there against homosexual relations. In Leviticus 18:22 and 20:13, in the course of describing the conditions necessary for belonging to the Chosen People, the author, excludes from the People of God those who behave in homosexual fashion.

Against the background of this exposition of theocratic law, an eschatological perspective is developed by St. Paul when, in 1 Corinthians 6:9, he proposes the same doctrine and lists those who behave in a homosexual fashion among those who shall not enter the Kingdom of God.

In Romans 1:18-32, still building on the moral traditions of his forebears, but in the new context of the confrontation between Christianity and the pagan society of his day, Paul uses homosexual behavior as an example of the blindness that has overcome humankind. Instead of the original harmony between Creator and creatures, the acute distortion of idolatry has led to all kinds of moral excess. Paul

is at a loss to find a clearer example of this disharmony than homosexual relations. Finally, 1 Timothy 1, in full continuity with the Biblical position, he singles out those who spread wrong doctrine and in v. 10 explicitly names as sinners those who engage in homosexual acts.

The Church, obedient to the Lord who founded her and gave to her the sacramental life, celebrates the divine plan of the loving and life-giving union of men and women in the sacrament of marriage. It is only in the marital relationship that the use of the sexual faculty can be morally good. A person engaging in homosexual behavior therefore acts immorally.

To choose someone of the same sex for one's sexual activity is to annul the rich symbolism and meaning, not to mention the goals, of the Creator's sexual design. Homosexual activity is not a complementary union, able to transmit life; and so it thwarts the call to a life of that form of self-giving which the Gospel says is the essence of Christian living. This does not mean that homosexual persons are not often generous and giving of themselves; but when they engaged in homosexual activity they confirm within themselves a disordered sexual inclination which is essentially self-indulgent.

As in every moral disorder, homosexual activity prevents one's own fulfillment and happiness by acting contrary to the creative wisdom of God. The Church, in rejecting erroneous opinions regarding homosexuality, does not limit but rather defends personal freedom and dignity realistically and authentically understood.

Thus, the Church's teaching today is in organic continuity with the Scriptural perspective and with her own constant Tradition. Though today's world is in many ways quite new, the Christian community senses the profound and lasting bonds that join us to those generations who have gone before us, "marked with the sign of faith."

Nevertheless, increasing numbers of people today, even within the Church, are bringing enormous pressure to bear on the Church to accept the homosexual condition as though it were not disordered and to condone homosexual activity. Those within the Church who argue in this fashion often have close ties with those with similar views outside it. These latter groups are guided by a vision opposed to the truth about the human person, which is fully disclosed in the mystery of Christ. They reflect, even if not entirely consciously, a materialistic ideology that denies the transcendent nature of the human person as well as the supernatural vocation of every individual.

The Church's ministers must ensure that homosexual persons in their care will not be misled by this point of view, so profoundly opposed to the teaching of the Church. But the risk is great, and there are many who seek to create confusion regarding the Church's position and then to use that confusion to their own advantage.

The movement within the Church, which takes the form of pressure groups of various names and sizes, attempts to give the impression that it represents all homosexual persons who are Catholics. As a matter of fact, its membership is by and large restricted to those who either ignore the teaching of the Church or seek somehow to undermine it. It brings together under the aegis of Catholicism homosexual persons who have no intention of abandoning their protest that any and all criticism of or reservations about homosexual people, their activity and life-style, are simply diverse forms of unjust discrimination.

There is an effort in some countries to manipulate the Church by gaining the often well-intentioned support of her pastors with a view to changing civil statutes and laws. This is done in order to conform to these pressure groups' concept that homosexuality is at least a completely harmless, if not an entirely good, thing. Even when the practice of homosexuality may seriously threaten the lives and well-being of a large number of people, its advocates remain undeterred and refuse to consider the magnitude of the risks involved.

The Church can never be so callous. It is true that her clear position cannot be revised by pressure from civil legislation or the trend of the moment. But she is really concerned about the many who are not represented by the pro-homosexual movement and about those who may have been tempted to believe its deceitful propaganda. She is also aware that the view that homosexual activity is equivalent to, or as acceptable as, the sexual expression of conjugal love has a direct impact on society's understanding of the nature and rights of the family and puts them in jeopardy.

It is deplorable that homosexual persons have been and are the object of violent malice in speech or in action. Such treatment deserves condemnation from the Church's pastors wherever it occurs. It reveals a kind of disregard for others that endangers the most fundamental principles of a healthy society. The intrinsic dignity of each person must always be respected in word, in action and in law.

But the proper reaction to crimes committed against homosexual persons should not be to claim that the homosexual condition is not disordered. When such a claim is made and when homosexual activity is consequently condoned, or when civil legislation is introduced to protect behavior to which no one has any conceivable right neither the Church nor society at large should be surprised when other distorted notions and practices gain ground, and irrational and violent reactions increase.

It has been argued that the homosexual orientation in certain cases is not the result of deliberate choice; and so the homosexual person would then have no choice but to behave in a homosexual fashion. Lacking freedom, such a person, even if engaged in homosexual activity, would not be culpable.

Here, the Church's wise moral tradition is necessary, since it warns against generalizations in judging individual cases. In fact, circumstances may exist, or may have existed in the past, that would reduce or remove the culpability of the

individual in a given instance; or other circumstances may increase it. What is to be avoided at all costs is the unfounded and demeaning assumption that the sexual behavior of homosexual persons is always and totally compulsive and therefore inculpable. What is essential is that the fundamental liberty which characterizes the human person and gives him his dignity be recognized as belonging to the homosexual person as well. As in every conversion from evil, the abandonment of homosexual activity will require a profound collaboration of the individual with God's liberating grace.

What, then, are homosexual persons to do who seek to follow the Lord? Fundamentally, they are called to enact the will of God in their life by joining whatever sufferings and difficulties they experience in virtue of their condition to the sacrifice of the Lord's Cross. That Cross, for the believer, is a fruitful sacrifice, since from that death come life and redemption. While any call to carry the cross or to understand a Christian's suffering in this way will predictably be met with bitter ridicule by some, it should be remembered that this is the way to eternal life for all who follow Christ.

It is, in effect, none other than the teaching of Paul the Apostle to the Galatians when he says that the Spirit produces in the lives of the faithful "lovejoy, peace, patience, kindness, goodness, trustfulness, gentleness and self-control,"³ and further.⁴ "You cannot belong to Christ unless you crucify all self-indulgent passions and desires."

It is easily misunderstood, however, if it is merely seen as a pointless effort at self-denial. The Cross is denial of self, but in service to the will of God himself, who makes life come from death and empowers those who trust in him to practice virtue in place of vice.

To celebrate the Paschal Mystery, it is necessary to let the Mystery become imprinted in the fabric of daily life. To refuse to sacrifice one's own will in obedience to the will of the Lord is effectively to prevent salvation. Just as the Cross was central to the impression of God's redemptive love for us in Jesus, so the conformity of the self-denial of homosexual men and women with the sacrifice of the Lord will constitute for them a source of self-giving which will save them from a way of life that constantly threatens to destroy them.

Christians who are homosexuals are called, as all of us are, to a chaste life. As they dedicate their lives to understanding the nature of God's personal call to them, they will be able to celebrate the Sacrament of Penance more faithfully and receive the Lord's grace so freely offered there in order to convert their lives more fully to His Way.

We recognize, of course, that in great measure the clear and successful communication of the Church's teaching to all the faithful, and to society at large,

³ Gal 5:22.

⁴ V. 24.

depends on the correct instruction and Fidelity of her pastoral ministers. The bishops have the particularly grave responsibility to see to it that their assistants in the ministry, above all the priests, are rightly informed and personally disposed to bring the teaching of the Church in its integrity to everyone.

The characteristic concern and good will exhibited by many clergy and religious to their pastoral care for homosexual persons is admirable and, we hope, will not diminish. Such devoted ministers should have the confidence that they are faithfully following the will of the Lord by encouraging the homosexual person to lead a chaste life and by affirming that person's God-given dignity and worth.



With this in mind, this Congregation wishes to ask the bishops to be especially cautious of any programs that may seek to pressure the Church to change her teaching, even while claiming not to do so. A careful examination of their public statements and the activities they promote reveals a studied ambiguity by which they attempt to mislead the pastors and the faithful. For example, they may present the teaching of the Magisterium, but only as if it were an optional source for the formation of one's conscience. Its specific authority is not recognized. Some of these groups will use the word "Catholic" to describe either the organization or its intended members, yet they do not defend and promote the teaching of the Magisterium; indeed, they even openly attack it. While their members may claim a desire to conform their lives to the teaching of Jesus, in fact they abandon the teaching of His Church. This contradictory action should not have the support of the bishops in any way.

We encourage the bishops, then, to provide pastoral care in full accord with the teaching of the Church for homosexual persons of their dioceses. No authentic pastoral program will include organizations in which homosexual persons associate with one another without clearly stating that homosexual activity is immoral. A truly pastoral approach will appreciate the need for homosexual persons to avoid the near occasions of sin. We would heartily encourage programs where these dangers are avoided. But we wish to make it clear that departure from the Church's teaching, or silence about it, in an effort to provide pastoral care is neither caring nor pastoral. Only what is true can ultimately be pastoral. The neglect of the Church's position prevents homosexual men and women from receiving the care they need and deserve.

An authentic pastoral program will assist homosexual persons at all levels of the spiritual life: through the sacraments, and in particular through the frequent and sincere use of the Sacrament of Reconciliation, through prayer, witness, counsel and individual care. In such a way, the entire Christian community can come to recognize its own call to assist its brothers and sisters, without deluding them or isolating them.

From this multifaceted approach there are numerous advantages to be gained, not the least of which is the realization that a homosexual person, like every human being, deeply needs to be nourished at many different levels simultaneously.

The human person, made in the image and likeness of God, can hardly be adequately described by a reductionist reference to his or her sexual orientation. Every one living on the face of the earth has personal problems and difficulties, but challenges to growth, strengths, talents and gifts as well. Today, the Church provides a badly needed context for the care of the human person when she refuses to consider the person as a “heterosexual” or a “homosexual” and insists that every person has a fundamental identity: the creature of God, and by grace, His child and heir to eternal life.

In bringing this entire matter to the bishops’ attention, this Congregation wishes to support their efforts to assure that the teaching of the Lord and His Church on this important question be communicated fully to all the faithful.

In light of the points made above, they should decide for their own dioceses the extent to which an intervention of their part is indicated. In addition, should they consider it helpful, further coordinated action at the level of their National Bishops’ Conference may be envisioned.

In a particular way, we would ask the bishops to support, with the means at their disposal, the development of appropriate forms of pastoral care for homosexual persons. These would include the assistance of the psychological, sociological and medical sciences in full accord with the teaching of the Church.

They are encouraged to call on the assistance of all Catholic theologians who, by teaching what the Church teaches, and by deepening their reflections on the true meaning of human sexuality and Christian marriage with the virtues it engenders, will make an important contribution in this particular area of pastoral care.

The bishops are asked to exercise special care in the selection of pastoral ministers so that by their own high degree of spiritual and personal maturity and by their fidelity to the Magisterium, they may be of real service to homosexual persons, promoting their health and well-being in the fullest sense. Such ministers will reject theological opinions which dissent from the teaching of the Church and which, therefore, cannot be used as guidelines for pastoral care.

We encourage the bishops to promote appropriate catechetical programs based on the truth about human sexuality in its relationship to the family as taught by the Church. Such programs should provide a good context within which to deal with the question of homosexuality.

This catechesis would also assist those families of homosexual persons to deal with this problem which affects them so deeply.

All support should be withdrawn from any organizations which seek to undermine the teaching of the Church, which are ambiguous about it, or which neglect it entirely. Such support, or even the semblance of such support, can be gravely misinterpreted. Special attention should be given to the practice of

scheduling religious services and to the use of Church buildings by these groups, including the facilities of Catholic schools and colleges. To some, such permission to use Church property may seem only just and charitable; but in reality it is contradictory to the purpose for which these institutions were founded, it is misleading and often scandalous.

In assessing proposed legislation, the bishops should keep as their uppermost concern the responsibility to defend and promote family life.

The Lord Jesus promised, “You shall know the truth and the truth shall set you free.”⁵ Scripture bids us speak the truth in love.⁶ The God who is at once truth and love calls the Church to minister to every man, woman and child with the pastoral solicitude of our compassionate Lord. It is in this spirit that we have addressed this Letter to the Bishops of the Church, with the hope that it will be of some help as they care for those whose suffering can only be intensified by error and lightened by truth.

(During an audience granted to the undersigned Prefect, His Holiness, Pope John Paul II, approved this Letter, adopted in an ordinary, session of the Congregation for the Doctrine of the Faith, and ordered it to be published.)

CDF, 1 Oct. 1986, instruction “To Bishops on the Pastoral Care of Homosexual Persons,” *AAS* 79 (1987): 543-554; *TPS* 32 (1987): 62-68; *Origins* 16 (1987): 377, 379-382.

Report on Sects, Cults, and New Religious Movements, 4 May 1986. Joint Commission.

In response to the concern expressed by episcopal conferences throughout the world, a study on the presence and activity of “sects,” “new religious movements,” “cults” has been undertaken by the Vatican Secretariat for Promoting Christian Unity, the Secretariat for Non-Christians, the Secretariat for Non-Believers and the Pontifical Council for Culture. These departments, along with the Secretariat of State, have shared this concern for quite some time.

As a first step in this study project, a questionnaire (cf. Appendix) was sent out in February 1984, to episcopal conferences and similar bodies by the Secretariat for Promoting Christian Unity in the name of the aforementioned departments of the Holy See, with the aim of gathering reliable information and indications for pastoral action and exploring further lines of research. To date (October 1985), many replies have been received from episcopal conferences on all continents as well as from regional episcopal bodies. Some replies included detailed information from particular dioceses and were accompanied by copies of pastoral letters, booklets, articles and studies.

⁵Jn8:32.

⁶Cf. Eph 4:15.

It is clearly not possible to summarize the vast documentation received and which will need to be constantly updated as a basis for a constructive pastoral response to the challenge presented by the sects, new religious movements and groups. The present report can only attempt to give a first overall picture and is based on the replies and documentation received.

This report is divided as follows:

1. Introduction.
2. Reasons for the spread of those movements and groups.
3. Pastoral challenges and approaches.
4. Conclusion.
5. Invitation from the 1985 Synod.
6. Questions for further study and research.
7. Selected bibliography.
8. Appendix.

1. Introduction

1.1 What are sects? What does one mean by cults? It is important to realize that there exist difficulties in concepts, definitions and terminology. The terms *sect* and *cult* are somewhat derogatory and seem to imply a rather negative value judgment. One might prefer more neutral terms such as *new religious movements*, *new religious groups*. The question of the definition of those new movements or groups as distinct from *church* or *legitimate movements within a church* is a contentious matter.

It will help to distinguish sects that find their origin in the Christian religion from those which come from another religious or humanitarian source. The matter becomes quite delicate when these groups are of Christian origin. Nevertheless, it is important to make this distinction. Indeed, certain sectarian mentalities and attitudes, i.e., attitudes of intolerance and aggressive proselytism, do not necessarily constitute a sect nor do they suffice to characterize a sect. One also finds these attitudes in groups of Christian believers within the churches and ecclesial communities. However, those groups can change positively through a deepening of their Christian formation and through the contact with other fellow Christians. In this way they can grow into an increasingly ecclesial mind and attitude.

The criterion for distinguishing between sects of Christian origin, on the one hand, and churches and ecclesial communities, on the other hand, might be found in the sources of the teaching of these groups. For instance, sects could be those groups which, apart from the Bible, have other “revealed” books or “prophetic messages;” or groups which exclude from the Bible certain protocanonical books or radically change their content. In answer to Question I of the questionnaire, one of the replies states:

“For practical reasons a cult or sect is sometimes defined as ‘any religious groups with a distinctive world view of its own derived from, but not identical with, the teachings of a major world religion.’ As we are speaking here of special groups which usually pose a threat to peoples’ freedom and to society in general, cults and sects have also been characterized as possessing a number of distinctive features. These often are that they are authoritarian in structure, that they exercise forms of brainwashing and mind control, that they cultivate group pressure and instill feelings of guilt and fear, etc. The basic work on these characteristic marks was published by an American, Dave Breese, *Know the Marks of Cults* (Victor Books: Wheaton, IL, 1985).”

Whatever the difficulties with regard to distinguishing between sects of Christian origin and churches, ecclesial communities or Christian movements, the responses to the questionnaire reveal at times a serious lack of understanding and knowledge of other Christian churches and ecclesial communities. Some include among sects churches and ecclesial communities which are not in full communion with the Roman Catholic Church. Also adherents of major world religions (Hinduism, Buddhism, etc.) may find themselves classified as belonging to a sect.

1.2 However, and apart from the difficulties mentioned, almost all the local churches do see the emergence and rapid proliferation of all kinds of “new” religious or pseudo-religious movements, groups and practices. The phenomenon is considered by almost all the respondents as a serious matter, by some as an alarming matter; in only a very few countries there does not seem to exist any problem (e.g., in predominantly Islamic countries).

In some cases the phenomenon appears within the mainline churches themselves (sectarian attitudes). In other cases it occurs outside the churches (independent or free churches, messianic or prophetic movements) or against the churches (sects, cults), often establishing for themselves churchlike patterns. However, not all are religious in their real content or ultimate purpose.

1.3 The phenomenon develops fast, and often quite successfully, and poses pastoral problems. The most immediate pastoral problem is that of knowing how to deal with a member of a Catholic family who has become involved in a sect. The parish priest or local pastoral worker or adviser usually has to deal first and foremost with the relatives and friends of such a person. Often the person involved can be approached only indirectly. In those cases when the person can be approached directly in order to give him or her guidance or to advise an ex-member on how to reintegrate into society and the church, psychological skill and expertise is required.

1.4 Groups That Are Most Affected. The most vulnerable groups in the church, especially the youth, seem to be the most affected. When they are

“footloose,” unemployed, not active in parish life or voluntary parish work, or come from an unstable family background or belong to ethnic minority groups, or live in places which are rather far from the church’s reach, etc., they are a more likely target for the new movements and sects. Some sects seem to attract mainly people in the middle-age group. Others thrive on membership from well-to-do and highly educated families. In this context, mention must be made of university campuses, which are often favorable breeding grounds for sects or places of recruitment. Moreover, difficult relations with the clergy or an irregular marriage situation can lead one to break with the church and join a new group.

Very few people seem to join a sect for evil reasons. Perhaps the greatest opportunity of the sects is to attract good people and good motivation in those people. In fact, they usually succeed best when society or church have failed to touch this good motivation.

1.5 The reasons for success among Catholics are indeed manifold and can be identified on several levels. They are primarily related to the needs and aspirations which are seemingly not being met in the mainline churches. They are also related to the recruitment and training techniques of the sects. They can be external either to the mainline churches or to the new groups: economic advantages, political interest or pressure, mere curiosity, etc.

An assessment of these reasons can be adequately done only from within the very particular context in which they emerge. However, the results of a general assessment (and this is what this report is about) can, and in this case do, reveal a whole range of particular reasons which as a matter of fact turn out to be almost universal. A growing interdependence in today’s world might provide us with an explanation for this.

The phenomenon seems to be symptomatic of the depersonalizing structures of contemporary society, largely produced in the West and widely exported to the rest of the world, which create multiple crisis situations on the individual as well as on the social level. These crisis situations reveal various needs, aspirations and questions which, in turn, call for psychological and spiritual responses. The sects claim to have and to give these responses. They do this on both the affective and cognitive level, often responding to the affective needs in a way that deadens the cognitive faculties.

These basic needs and aspirations can be described as so many expressions of the human search for wholeness and harmony, participation and realization on all the levels of human existence and experience; so many attempts to meet the human quest for truth and meaning, for those constitutive values which at certain times in collective as well as individual history seem to be hidden, broken or lost, especially in the case of people who are upset by rapid change, acute stress, fear, etc.

1.6 The responses to the questionnaire show that the phenomenon is to be seen not so much as a threat to the church (although many respondents do consider the aggressive proselytism of some sects a major problem), but rather as a pastoral

challenge. Some respondents emphasize that, while at all times preserving our own integrity and honesty, we should remember that each religious group has the right to profess its own faith and to live according to its own conscience. They stress that in dealing with individual groups we have the duty to proceed according to the principles of religious dialogue which have been laid down by the Second Vatican Council and in later church documents. Moreover, it is imperative to remember the respect due to each individual, and that our attitude to sincere believers should be one of openness and understanding, not of condemnation. The responses to the questionnaire show a great need for information, education of believers and a renewed pastoral approach.

2. Reasons for the Spread of Those Movements and Groups

Crisis situations or general vulnerability can reveal and/or produce needs and aspirations which become basic motivations for turning to the sects. They appear on the cognitive as well as on the affective level, and are relational in character, i.e. centered upon “self” in relation to “others” (social), with the past, present, and future (cultural, existential), with the transcendent (religious). These levels and dimensions are interrelated. These needs and aspirations can be grouped under nine major headings, although in individual cases they often overlap. For each group of “aspirations” we indicate what the sects are seen to offer. The main reasons for their success can be seen from that point of view, but one must also take into account the recruitment practices and indoctrinational techniques of many sects (cf. below 2.2).

2.1 Needs and Aspirations: What the Sects Appear to Offer

2.1.1 Quest for Belonging (sense of community)'. The fabric of many communities has been destroyed; traditional lifestyles have been disrupted; homes are broken up; people feel uprooted and lonely. Thus the need to belong.

Terms used in the responses: belonging, love, community, communication, warmth, concern, care, support, friendship, affection, fraternity, help, solidarity, encounter, dialogue, consolation, acceptance, understanding, sharing, closeness, mutuality, togetherness, fellowship reconciliation, tolerance, roots, security, refuge, protection, safety, shelter, home.

The sects appear to offer: human warmth, care and support in small and close-knit communities; sharing of purpose and fellowship; attention for the individual; protection and security, especially in crisis situations; resocialization of marginalized individuals (for instance, the divorced or immigrants); the sect often does the thinking for the individual.

2.7.2 Search for Answers: In complex and confused situations people

naturally search for answers and solutions.

The sects appear to offer: simple and ready-made answers to complicated questions and situations; simplified and partial versions of traditional truths and values; a pragmatic theology, a theology of success, a syncretistic theology proposed as “new revelation”; “new truth” to people who often have little of the “old” truth; clearcut directives; a claim to moral superiority; proofs from “supernatural” elements: glossolalia, trance, mediumship, prophecies, possession, etc.

2.1.3 Search for Wholeness (Holism): Many people feel that they are out of touch with themselves, with others, with their culture and environment. They experience brokenness. They have been hurt by parents or teachers, by the church or society. They feel left out. They want a religious view that can harmonize everything and everybody; worship which leaves room for body and soul, for participation, spontaneity, creativity. They want healing, including bodily healing (African respondents particularly insist on this point).

Terms used in the responses: healing, wholeness, integration, integrity, harmony, peace, reconciliation, spontaneity, creativity, participation.

The sects appear to offer: a gratifying religious experience, being saved, conversion; room for feelings and emotions, for spontaneity (e.g., in religious celebrations); bodily and spiritual healing; help with drug or drink problems; relevance to the life situation.

2.1.4 Search for Cultural Identity: This aspect is very closely linked with the previous one. In many Third World countries the society finds itself greatly dissociated from the traditional cultural, social and religious values; and traditional believers share this feeling.

The main terms used in the responses are: inculturation/incarnation, alienation, modernization.

The sects appear to offer: plenty of room for traditional cultural/religious heritage, creativity, spontaneity, participation, a style of prayer and preaching closer to the cultural traits and aspirations of the people.

2.7.5 Need to Be Recognized, to Be Special: People feel a need to rise out of anonymity, to build an identity, to feel that they are in some way special and not just a number or a faceless member of a crowd. Large parishes and congregations, administration-oriented concern and clericalism, leave little room for approaching every person individually and in the person's life situation.

Terms used in the responses: self-esteem, affirmation, chances, relevance, participation.

The sects appear to offer: concern for the individual; equal opportunities for ministry and leadership, for participation, for witnessing, for expression;

awakening to one's own potential, the chance to be part of an elite group.

2.1.6 Search for Transcendence: This expresses a deeply spiritual need, a God-inspired motivation to seek something beyond the obvious, the immediate, the familiar, the controllable and the material to find an answer to the ultimate questions of life and to believe in something which can change one's life in a significant way. It reveals a sense of mystery, of the mysterious; a concern about what is to come; an interest in messianism and prophecy. Often the people concerned are either not aware of what the church can offer or are put off by what they consider to be a one-sided emphasis on morality or by the institutional aspects of the church. One respondent speaks of "privatized seekers":

"Research suggests that a surprisingly large proportion of the population will, if questioned, admit to having had some kind of religious or spiritual experience, say that this has changed their lives in some significant way and most pertinently add that they have never told anyone about the experience.... Many young people say that they have been afraid of being laughed at or thought peculiar were they to broach the subject of spiritual or religious experience and that they have frequently known difficulty in getting teachers or clergy to discuss, let alone answer, their most important and ultimate questions."

Terms used in the responses: transcendence, sacred, mystery, mystical, meditation, celebration, worship, truth, faith, spirituality, meaning, goals, values, symbols, prayer, freedom, awakening, conviction.

The sects appear to offer: the Bible and Bible education; a sense of salvation; gifts of the Spirit; meditation; spiritual achievement.

Some groups offer not only permission to express and explore ultimate questions in a "safe" social context, but also a language and concepts with which to do so, as well as the presentation of a clear, relatively unambiguous set of answers.

2.1.7 Need of Spiritual Guidance: There may be a lack of parental support in the seeker's family or lack of leadership, patience and personal commitment on the part of church leaders or educators.

Terms used: guidance, devotion, commitment, affirmation, leadership, guru.

The sects appear to offer: guidance and orientation through strong, charismatic leadership. The person of the master, leader, guru, plays an important role in binding the disciples. At times there is not only submission but emotional surrender and even an almost hysterical devotion to a strong spiritual leader (messiah, prophet, guru).

2.1.8 Need of Vision: The world of today is an interdependent world of hostility and conflict, violence and fear of destruction. People feel worried

about the future; often despairing, helpless, hopeless and powerless. They look for signs of hope, for a way out. Some have a desire, however vague, to make the world better.

Terms used: vision, awakening, commitment, newness, a new order, a way out, alternatives, goals, hope.

The sects appear to offer: a “new vision” of oneself, of humanity, of history, of the cosmos. They promise the beginning of a new age, a new era.

2.1.9 Need of Participation and Involvement: This aspect is closely linked with the previous one. Many seekers not only feel the need of a vision in the present world society and toward the future, they also want to participate in decision making, in planning, in realizing.

The main terms used are: participation, active witness, building, elite, social involvement.

The sects appear to offer: a concrete mission for a better world, a call for total dedication, participation on most levels.

By way of summary one can say that the sects seem to live by what they believe, with powerful (often magnetic) conviction, devotion and commitment; going out of their way to meet people where they are, warmly, personally and directly, pulling the individual out of anonymity, promoting participation, spontaneity, responsibility, commitment... and practicing an intensive follow-up through multiple contacts, home visits, and continuing support and guidance. They help to reinterpret one's experience, to reassess one's values and to approach ultimate issues in an all-embracing system. They usually make convincing use of the word: preaching, literature, mass media (for Christian groups, strong emphasis on the Bible); and often also of the ministry of healing. In one word, they present themselves as the only answer, *the* “good news” in a chaotic world.

However, although all this mostly accounts for the success of the sects, other reasons also exist, such as the recruitment and training techniques and indoctrination procedures used by certain sects.

2.2 Recruitment, Training, Indoctrination

Some recruitment, training techniques and indoctrination procedures, practiced by a number of sects and cults, which often are highly sophisticated, partly account for their success. Those most often attracted by such measures are those who, first, do not know that the approach is often staged and, second, who are unaware of the nature of the contrived conversion and training methods (the social and psychological manipulation) to which they are subjected. The sects often impose their own norms of thinking, feeling, and behaving. This is in contrast to church's approach, which implies full-capacity informed consent.

Young and elderly alike who are at loose ends are easy prey to those techniques and methods, which are often a combination of affection and deception (cf. the “love-bombing,” the “personality test” or the “surrender”). These techniques proceed from a positive approach, but gradually achieve a type of mind control through the use of abusive behavior-modification techniques.

The following elements are to be listed:

- Subtle process of introduction of the convert and his gradual discovery of the real hosts.
- Overpowering techniques: love bombing, offering “a free meal at an international center for friends,” “flirting fishing” technique (prostitution as a method of recruitment).
- Ready-made answers and decisions are being almost forced upon the recruits.
- Flattery
- Distribution of money, medicine.
- Requirement of unconditional surrender to the initiator, leader.
- Isolation: control of the rational thinking process, elimination of outside information and influence (family, friends, newspapers, magazines, television, radio, medical treatment, etc.) which might break the spell of involvement and the process of absorption of feelings and attitudes and patterns of behavior.
- Processing recruits away from their past lives; focusing on past deviant behavior such as drug use, sexual misdeeds; playing upon psychological hang-ups, poor social relationships, etc.
- Consciousness-altering methods leading to cognitive disturbances (intellectual bombardment); use of thought-stopping cliches; closed system of logic; restriction of reflective thinking.
- Keeping the recruits constantly busy and never alone; continual exhortation and training in order to arrive at an exalted spiritual status, altered consciousness, automatic submission to directives; stilling resistance and negativity; response to fear in a way that greater fear is often aroused.
- Strong focus on the leader; some groups may even downgrade the role of Christ in favor of the founder (in the case of some “Christian sects”).

3. Pastoral Challenges and Approaches

A breakdown of traditional social structures, cultural patterns and traditional sets of values caused by industrialization, urbanization, migration, rapid development of communication systems, all-rational technocratic systems, etc. leave many individuals confused, uprooted, insecure and therefore vulnerable. In these situations there is naturally a search for a solution, and often the simpler the better.

There is also the temptation to accept the solution as the only and final answer.

From an analysis of the responses, some symptoms of the pathology of many societies today can be listed. Many people suffer from them. They feel anxious about themselves (identity crisis), the future (unemployment, the threat of nuclear war). Questions about the nature of truth and how it is to be found, political uncertainty and helplessness, economic and ideological domination, the meaning of life, oneself and others, events, situations, things, the "hereafter."

They suffer a loss of direction, lack of orientation, lack of participation in decision making, lack of real answers to their real questions. They experience fear because of various forms of violence, conflict, hostility: fear of ecological disaster, war and nuclear holocaust; social conflicts, manipulation.

They feel frustrated, rootless, homeless, unprotected; hopeless and helpless and consequently unmotivated; lonely at home, in school, at work, on the campus, in the city; lost in anonymity, isolation, marginalization, alienation, i.e., feeling that they do not belong, that they are misunderstood, betrayed, oppressed, deceived, estranged, irrelevant, not listened to, unaccepted, not taken seriously.

They are disillusioned with technological society, the military, big business, labor exploitation, educational systems, church laws and practices, government policies.

They might have learned to want to see themselves as conscientious "doers," not worthless drifters or self-seeking opportunists, but often do not know what to do or how to do it.

They are at a loss at various "in-between" times (between school and university, between school and work, between marriage and divorce, between village and city).

They become empty, indifferent or aggressive, or they may become "seekers."

In summary one could say that all these symptoms represent so many forms of alienation (from oneself, from others, from one's roots, culture, etc.). One could say that the needs and aspirations expressed in the responses to the questionnaire are so many forms of a search for "presence" (to oneself, to others, to God). Those who feel lost want to be found. In other words, there is a vacuum crying out to be filled, which is indeed the context in which we can understand not only the criticisms toward the church which many responses contain, but foremost the pastoral concerns and proposed approaches. The replies to the questionnaire point out many deficiencies and inadequacies in the actual behavior of the church which can facilitate the success of the sects. However, without further insisting on them, we will mainly emphasize the positive pastoral approaches which are suggested or called for. If these are acted upon, the challenge of the sects may prove to have been a useful stimulus for spiritual and ecclesial renewal.

3.1 Sense of Community. Almost all the responses appeal for a rethinking (at least in many local situations) of the traditional parish-community system; a search for community patterns which will be more fraternal, more "to the measure of man," more adapted to people's life situation; more "basic ecclesial communities":

caring communities of lively faith, love (warmth, acceptance, understanding, reconciliation, fellowship) and hope; celebrating communities; praying communities; missionary communities: outgoing and witnessing; communities open to and supporting people who have special problems: the divorced and remarried, the marginalized.

3.2 Formation and Ongoing Formation. The responses put strong emphasis on the need for evangelization, catechesis, education and ongoing education in the faith – biblical, theological, ecumenical – of the faithful at the level of the local communities, and of the clergy and those involved in formation. (One reply advocates "reflective courses" for teachers, youth leaders, clergy and religious.) This ongoing process should be both informative, with information about our own Catholic tradition (beliefs, practices, spirituality, meditation, contemplation, etc.), about other traditions and about the new religious groups, etc., and formative, with guidance in personal and communal faith, a deeper sense of the transcendent, of the eschatological, of religious commitment, of community spirit, etc. The church should not only be a sign of hope for people, but should also give them the reasons for that hope; it should help to ask questions as well as to answer them. In this process there is an overall emphasis on the centrality of Holy Scripture. Greater and better use should be made of the mass media of communication.

3.3 Personal and Holistic Approach. People must be helped to know themselves as unique, loved by a personal God, and with a personal history from birth through death to resurrection. "Old truth" should continually become for them "new truth" through a genuine sense of renewal, but with criteria and a framework of thinking that will not be shaken by every "newness" that comes their way. Special attention should be paid to the experiential dimension, i.e., discovering Christ personally through prayer and dedication (e.g., the charismatic and "born again" movements). Many Christians live as if they had never been born at all! Special attention must be given to the healing ministry through prayers, reconciliation, fellowship and care. Our pastoral concern should not be one-dimensional; it should extend not only to the spiritual, but also to the physical, psychological, social, cultural, economic and political dimensions.

3.4 Cultural Identity. The question of inculturation is a fundamental one. It is particularly stressed by the responses from Africa, which reveal a feeling of estrangement to Western forms of worship and ministry which are often quite irrelevant to people's cultural environment and life situation. One respondent declared:

"Africans want to be Christians. We have given them accommodation, but no home. . . . They want a simpler Christianity, integrated into all aspects of daily life, into the sufferings, joys, work, aspirations, fears and needs of the African.... The young recognize in the independent churches a genuine vein of the African

tradition of doing things religious.”

3.5 Prayer and Worship. Some suggest a rethinking of the classic Saturday evening/Sunday morning liturgical patterns, which often remain foreign to the daily life situation. The word of God should be rediscovered as an important community-building element. “Reception” should receive as much attention as “conservation.” There should be room for joyful creativity, a belief in Christian inspiration and capacity of “invention,” and a greater sense of communal celebration. Here again, inculturation is a must (with due respect for the nature of the liturgy and for the demands of universality).

Many respondents insist on the biblical dimension of preaching; on the need to speak the people’s language; the need for careful preparation of preaching and liturgy (as far as possible done by a team, including lay participation). Preaching is not mere theorizing, intellectualizing and moralizing, but presupposes the witness of the preacher’s life. Preaching, worship and community prayer should not necessarily be confined to traditional places of worship.

3.6 Participation and Leadership. Most respondents are aware of the growing shortage of ordained ministers and of religious men and women. This calls for stronger promotion of diversified ministry and the ongoing formation of lay leadership. More attention should perhaps be given to the role that can be played in an approach to the sects – or at least to those attracted by the sects – by lay people who, within the church and in collaboration with their pastors, exercise true leadership, both spiritually and pastorally. Priests should not be identified mainly as administrators, office workers and judges, but rather as brothers, guides, consolers and men of prayer. There is too often a distance that needs to be bridged between the faithful and the bishop, even between the bishop and his priests. The ministry of bishop and priest is a ministry of unity and communion which must become visible to the faithful.

4. Conclusion

In conclusion, what is to be our attitude, our approach to the sects? Clearly it is not possible to give one simple answer. The sects themselves are too diverse; the situations – religious, cultural, social – too different. The answer will not be the same when we consider the sects in relation to the “unchurched,” the unbaptized, the unbeliever and when we are dealing with their impact on baptized Christians and especially on Catholics or ex-Catholics. Our respondents are naturally concerned mainly with this last group.

Clearly too we cannot be naively irenic. We have sufficiently analyzed the action of the sects to see that the attitudes and methods of some of them can be destructive to personalities, disruptive of families and society, and their tenets far removed from the teachings of Christ and his church. In many countries we

suspect, and in some cases know, that powerful ideological forces as well as economic and political interests are at work through the sects which are totally foreign to a genuine concern for the “human” and are using the “human” for inhumane purposes.

It is necessary to inform the faithful, especially the young, to put them on their guard and even to enlist professional help for counseling, legal protection, etc. At times we may have to recognize and even support appropriate measures on the part of the state acting in its own sphere.

We may know too from experience that there is generally little or no possibility of dialogue with the sects; and that not only are they themselves closed to dialogue, but they can also be a serious obstacle to ecumenical education and effort wherever they are active.

And yet, if we are to be true to our own beliefs and principles – respect for the human person, respect for religious freedom, faith in the action of the Spirit working in unfathomable ways for the accomplishment of God’s loving will for all humankind, for each individual man, woman and child, we cannot simply be satisfied with condemning and combating the sects, with seeing them perhaps outlawed or expelled and individuals “deprogrammed” against their will. The “challenge” of the new religious movements is to stimulate our own renewal for a greater pastoral efficacy.

It is surely also to develop within ourselves and in our communities the mind of Christ in their regard, trying to understand “where they are” and, where possible, reaching out to them in Christian love.

We have to pursue these goals, being faithful to the true teaching of Christ, with love for all men and women. We must not allow any preoccupation with the sects to diminish our zeal for true ecumenism among all Christians.

5. Invitation From the 1985 Synod

5.1 The extraordinary synod of 1985 called to celebrate, assess and promote the Second Vatican Council, gave certain orientations concerning the renewal of the church today. These orientations which address themselves to the general needs of the church are also a reply to needs and aspirations which some people seek in the sects (3.1). They underline the pastoral challenges and the need for pastoral planning.

5.2 The final report of the synod notes that the world situation is changing and that the signs of the times must be analyzed continually (II, D7). The church is often seen simply as an institution, perhaps because it gives too much importance to structures and not enough to drawing people to God in Christ.

5.3 As a global solution to the present problems, the synod’s invitation is to an integral understanding of the council, to an interior assimilation of it and putting it into practice. The church must be understood and lived as a mystery (II, A; cf.

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3.1.6) and as communion (II, B; cf. 4.1; 4.6). The church must commit itself to becoming more fully the sign and instrument of communion with God and of communion and reconciliation among men (I, A2; cf. 4.1 ; 3.1.6). All Christians are called to holiness, that is, to conversion of heart and participation in the trinitarian life of God (II, A4; cf. 3.1.1 ; 3.1.5). The Christian community needs people who live a realistic and worldly holiness. Since the church, is a communion, it must embody participation and co-responsibility at all levels (II, C6; cf. 4.6; 3.1.9). Christians must accept all truly human values (II, D3) as well as those specifically religious (II, D5) so as to bring about inculturation, which is “the intimate transformation of authentic cultural values through their integration in Christianity and in the various human cultures” (II, D4; cf. 3.7.4; 4.4). “The Catholic Church refuses nothing of what is true and holy in non-Christian religions. Indeed, Catholics must recognize, preserve and promote all the good spiritual and moral, as well as socio-cultural, values that they find in their midst” (II, D5). “The church must prophetically denounce every form of poverty and oppression, and everywhere defend and promote the fundamental and inalienable rights of the human person” (II, D6; cf. 3.2).

5.4 The synod gives some practical orientations. It stresses spiritual formation (II, A5; cf. 3.1.7; 4.2), commitment to integral and systematic evangelization, and catechesis to be accompanied by witness which interprets it (II, Ba2; cf. 3.1.8; 3.1.3) precisely because the salvific mission of the church is integral (II, D6; cf. 4.3) securing interior and spiritual participation in the liturgy (IIB6; cf. 3.1.9; 4.5); encouraging spiritual and theological dialogue among Christians (II, C7) and dialogue “which may open and communicate interiority;” fostering concrete forms of the spiritual journey such as consecrated life, spiritual movements, popular devotion (II, A4; cf. 3.1.7), and giving greater importance to the word of God (II, Ba1), realizing that the Gospel reaches people through witness to it (II, Ba2).

6. Questions for Further Study and Research

(N.B. Where possible, the study and research should be undertaken in ecumenical cooperation.)

6.1 Theological Studies

- a) The different types of sect in the light of *Lumen gentium*, No. 16, *Unitatis Redintegratio* and *Nostra Aetate*.
- b) The “religious” content of “esoteric” and “human potential” sects.
- c) Christian mysticism in relation to the search for religious experience in the sects.
- d) The use of the Bible in the sects.

6.2 Interdisciplinary Studies

(Historical, sociological, theological, anthropological.)

- a) The sects and the early Christian communities.
- b) The ministry of healing in the early church and in the sects.
- c) The role of prophetic and charismatic figures (during their lifetime and after their death).
- d) The sects and “popular religiosity.”

6.3 Psychological and Pastoral Studies

(It is in this field that most work seems to have been done already).

- a) Recruitment techniques and their effects.
- b) Aftereffects of sect membership and deprogramming.
- c) Religious needs and experiences of adolescents and young adults and their interaction with sexual development, in relation to the sects.
- d) Authority pattern in the sects in relation to the lack of and need for authority in contemporary society.
- e) The possibility or impossibility of “dialogue” with sects.

6.4 Sects and the Family

- a) Reactions in the family to sect membership of children or other family members.
- b) Family breakups or irregular family status in relation to the attraction of the sects.
- c) Sect membership and the solidity of the family; family pressures on children of sect members.
- d) Family patterns and conjugal morality in the sects.

6.5 Women in the Sects

- a) Opportunities for self-expression and responsibility (cf. sects founded by women).
- b) Inferior position of women in different types of sect: Christian fundamentalist groups, Oriental sects, African sects, etc.

6.6 Acculturation and inculturation of sects and their evolution in different cultural and religious contexts: in traditionally Christian cultures, in recently evangelized cultures, in totally secularized societies or those undergoing a rapid process of secularization (with its diverse impact on Western and “non-Western” cultures). Migration and the sects.

6.7 A comparative historical and sociological study of youth movements in Europe before World War II and youth membership in contemporary cults and sects.

6.8 Religious freedom in relation to the sects: ethical, legal and theological aspects. Effects of government action and other social pressures. Interaction between political, economic and religious factors.

6.9 The images of sects in public opinion and the effect of public opinion on sects.

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CANON 385

Vocations:

Pont. Comm., report to U.S. bishops on U.S. religious life and the decline of vocations, 4 December 1986, *Origins* 16 (1986): 467-470.
John Paul II, 10 March 1986, allocution U.S. Vicars for Religious, *TPS 31* (1986): 147-148.

CANON 399

Quinquennial faculties, July/August 1986. Private.

Letter from vicar general to apostolic Pro-Nunciature:

We are in the process of revising faculties for various diocesan officials. The question has arisen about whether any of the “quinquennial faculties” are still in force. The only document I can find in the file is the attached correspondence dated August 6, 1977 which states that the faculties are granted “*donec novus Codex Iuris Canonici promulgetur*.”

Would you be so kind as to check this out for me, and then let me know?

Correspondence from 1977 alluded to in above letter, addressed to NCCB President, from Apostolic Delegate:

As you know, the Sacred Congregation for the Bishops has been accustomed to renew “*Index Facultatum Quinquennialium*” on the occasion of the presentation by the local Ordinaries of the quinquennial report “*super statu dioecesis*” (c. 340, 1).

With the extension of the powers of diocesan bishops this “Index” has been so greatly reduced that there is hardly justification for its issuance in a solemn form and with the limitation “*ad quinquennium*”.

The Sacred Congregation for the Bishops studied the question in conjunction with the other interested Congregations and submitted its conclusions to the Holy Father. In Audience on July 9th His Holiness decided that the faculties are to be those on the attached sheet. They are granted to the local Ordinaries “*donec novus Codex Iuris Canonici promulgetur*”.

It will be appreciated if you kindly bring this matter to the attention of the Bishops of the United States.

Letter from Apostolic Pro-Nuncio to vicar general:

In your letter of July 22, 1986, you inquired concerning the current status of the “quinquennial faculties.” This information is needed because the faculties for various diocesan officials are presently being revised.

As indicated in your correspondence, the forementioned habitual faculties were last granted to the local Ordinaries in 1977 “*donec novus Codex Iuris Canonici promulgetur*.” Since most of these have now been incorporated into the Revised Code or are no longer needed, the quinquennial faculties *per se* no longer remain in force.

Exchange of correspondence between diocese and Apostolic Nunciature. July-August. 1986. *RRAO* (1987): 40-42.

CANON 402

Particular Legislation: Provision for Resigned Bishop.

The Gambia, Liberia, and Sierra Leone:

The president of the Conference is to request a yearly written statement from a resigned bishop which states that worthy provision is being made for his upkeep. Where the local diocese has difficulty in providing such upkeep, the Conference is to ensure such upkeep is found even if the Conference has to lax itself for this purpose.

ITCABIC. 3 (1986), p. 8.

Nigeria:

The Catholic Bishops' Conference of Nigeria directs as follows:

1. Assistance from the Holy See to supplement the maintenance of a bishop emeritus shall be solicited by the appropriate juridical person;
2. The diocese where the bishop emeritus has served most years shall have the primary obligation for his suitable and worthy maintenance (c. 402, §2);
3. Upon acceptance of his resignation by the Holy See, the bishop emeritus must put all his legal and financial affairs in order, and preferably make a new will, which will be recognized in civil law;
4. The bishop emeritus shall preferably reside in the diocesan retirement home, the parish house of his choice, or any other house provided by the diocese;
5. If the bishop emeritus prefers to retire to his own house among his relations, or if a particular parish or diocese should build such a house for him, the

following are to be observed:

- a) The house is to be modest in size and furnishing;
- b) Ownership of this house must be clearly established in civil law, and publicly known by the community;
- c) In the case of a house of the bishop emeritus belonging to a parish or diocese, an agreement as to the upkeep, repairs, taxes, etc., must be made between the bishop emeritus and the juridical person concerned;
- d) Adequate spiritual care should be provided for each bishop emeritus.

PCN. pp. 11-12.

CANON 403

**Visitation of the Archdiocese of Seattle, September 1985 - December 1988.
Private.**

Letter from Congregation for the Doctrine of the Faith, concluding Cardinal Hickey's visitation:

I am writing to bring to a close the Apostolic Visitation process, which was assisted by the visit of Archbishop James Hickey of Washington, DC, to the Archdiocese of Seattle from November 2-8, 1983.

Prior to that visit, both significant criticism and considerable praise had been directed toward your own pastoral ministry and that of your collaborators in Seattle. To quote from this Congregation's own October 4, 1983, letter to you. "It was precisely because it did not want to give uncritical acceptance to the published and private criticisms made about the Archdiocese of Seattle, that the Holy See . . . has undertaken this project." Toward that end, the Visitor conferred with at least sixty-seven members of the clergy, religious and laity. In addition, he examined many pertinent documents, statements issued by the Archdiocese, and letters. Principally, though, Archbishop Hickey spent some four to five hours of intense discussion with you. That interview, taped and transcribed, was later reviewed by you and approved. Archbishop Hickey, with a model sense of co-operation and collegial concern, filed a lengthy and exhaustively documented report with this Congregation, and with that, his involvement with the Apostolic Visitation process ended.

After a careful review of the entire body of testimony, and of other materials as well, this Congregation is now in a position to make the following observations which, we hope, will be received by you in the spirit in which they are offered, and will be of assistance to you as Archbishop of Seattle.

1. There are many indications that you have striven with heart and mind to be

a good bishop of the Church, eager to implement the renewal called for in the decrees of the Vatican Council II. You have worked zealously to bring into existence the various consultative bodies promoted by the Council and mandated by the recently revised *Code of Canon Law*. Numerous people spoke of your laudable and conscientious efforts to involve the laity in the work of the Church and you have sought diligently to be open and accessible to your people. You have been repeatedly described as a man of Gospel values, sensitive to the needs of the sufferings and the aggrieved. Your concern for justice and peace is well known. Time and time again you have given clear evidence of your loyalty to the Church and your devotion and obedience to the Holy Father.

2. It is also true that you and those who assist you have suffered from exaggerated criticism and routine misunderstanding. Our observations are based neither on the complaints of your more strident critics, nor on publications that are obviously biased. Nor do we wish to encourage extremist groups who are wholly lacking in a spirit of co-operation and seek to destroy or suppress whatever is not to their liking. It is our intention, rather, to support what you have done to promote the renewal of the Church in Seattle and to point out, at the same time, areas which we consider are in need of correction and improvement.
3. It is with this background of your own commitment to the real service of the Lord and the authentic renewal of His people, that this Congregation wishes to outline these problems and to enlist your cooperation in resolving them.
4. It appears that there has been a rather widespread practice of admitting divorced persons to a subsequent Church marriage without prior review by your Tribunal, or even after they have received a negative sentence. Catholics have been advised that after divorce and civil remarriage, they may in conscience return to the Sacraments. Such a practice lacks foundation in the Church's clear teaching about the indissolubility of a sacramental marriage after consummation, and in sound jurisprudence. A clear presentation, then, of the sacramentality and indissolubility of Christian marriage should be made to all your people. Every effort must be made to avoid written materials which equivocate regarding the essential properties of marriage and which may encourage the divorced to attempt a second marriage without the Tribunal's declaration of nullity. At the same time, steps need to be taken to ensure that your Metropolitan Tribunal, both in its constitution and practice, conforms with all the prescriptions of the revised code of the Church's public law.
5. A number of other basic doctrinal problems can be identified. While it is impossible to judge how widespread they are, and although they may seem to be abstract, they too often have had real implications and concrete effects in the day-to-day life of the Church in Seattle.

- a. It is important that clear and firm guidance be offered to those in the Archdiocese who seem reluctant to accept the Magisterium as capable of giving definitive direction in matters of faith and morals.
- b. It is important that the nature and mission of the Church be taught in their entirety. The Church should be understood as more than a merely social entity, governed chiefly by psychological, sociological and political processes. When it is viewed in this way, its institutional or visible dimension is placed in opposition to its divine origin, mission and authority. Such a view misunderstands the meaning of the Church and destroys all prospects of the authentic renewal for which the Vatican Council II so clearly called.
- c. Incorrect notions of the Church's mission and nature, as well as flawed understandings of the dignity of the human person, can frequently be traced to faulty Christologies. It is imperative that every effort be made to ensure that the Church's integral faith concerning Christ be handed on: his divinity, his humanity, his salvific mission, his inseparable union with and Lordship over the Church.
- d. Vigorous efforts must be made to engender in priests, religious and laity, a correct appreciation of the sacramental structure of the Church, especially as it provides for sacred ministry in the Sacrament of Holy Orders. An effective seminary program needs to be established which inculcates in candidates for the priesthood an understanding of the sacraments as the Lord's gifts to His Church. While efforts to encourage the laity to fulfill their apostolate and assume their proper roles in the Church should continue, the unique ministry and office of the Bishop, as well as that of the priests who assist him, must never be obscured.
- e. A critical reexamination of policies and programs of the Archdiocese should be conducted to ensure that they are based on the clear vision of the human person which is at the heart of the Gospel message. An anthropology which is dominated by the tentative conclusions of the human sciences could well undermine many pastoral initiatives, however well intentioned.
- f. There is a need to correct misunderstandings concerning the role which conscience plays in making moral decisions. In particular it is necessary to highlight the valid claim on the Catholic conscience which is made by the authoritative teaching of the Church.

In all these areas it is vitally important to consult with competent, faithful theologians, clergy and religious to determine how best to proclaim the Church's entire deposit of faith in our changing times.

When guided by an authentic theological method such efforts are not only not

in conflict with the teaching of the Church, they are a faithful response of her constant call to vindicate the rights of the poor.

It is also important that the faith be imparted in a way which is sensitive to the suffering and the powerless. No bishop should hesitate to overrule advisors who propose opinions at variance with the authentic teaching of the Holy See. At the same time, he must seek ways to hand on that teaching convincingly.

6. As per your letter of March 14, 1984, we realize that you have taken steps to correct the practice of contraceptive sterilization which had been followed in local Catholic hospitals. Such procedures are clearly and explicitly forbidden in all Catholic institutions. The clear moral teaching contained in this Congregation's 1976 Declaration on Sexual Ethics, as well as the teaching found in the documents of the U.S. Bishops' Conference must be maintained and explained in an effective manner.
7. In matters of pastoral practice, first Confession should precede first Communion. This decision, which terminates any authorized experimentation, was incorporated in canon 914 of the revised code. Accordingly, the sequence of first Confession prior to first Communion is not optional, nor can a custom to the contrary be established.
8. Similarly, the use of general Absolution must be strictly limited to the conditions listed in the relevant documents of the Holy See and in particular in canon 961, § 1. The fact that many penitents would naturally congregate at the times of great feasts, Christmas and Easter for example, would not of itself constitute the necessary condition that they would be deprived of the grace of the sacrament for a long time if general absolution were not given. Responsible supervision on the part of the office for Liturgy is indicated.
9. Likewise, the attention of the clergy and the faithful should be drawn to the fact that non-Catholic Christians may be admitted occasionally to communion in the Catholic Church under specific conditions as listed in canon 844, §4, and in the related documents of the Holy See on this question. Catholics, however, are permitted in some cases to receive the Eucharist in non-Catholic churches, but only in those whose sacraments are recognized by the Catholic Church, as is clear from canon 844, §2.

The Catholic Church believes the Eucharist to be a sign of unity already achieved. Routine intercommunion on the occasion of weddings or funerals, wherever it is the practice, should be recognized as clearly abusive and an impediment to genuine ecumenism.

- æ. Efforts to encourage full and lively participation in the sacred liturgy should be fostered. However, practices which are not in accord with the Roman Sacramentary and the related directives of the Holy See should be eliminated. The appointment of a carefully trained priest to aid in the supervision of sacramental and liturgical discipline is indicated here as well.

11. Concern for priests who have left the ministry is obviously a duty of a bishop, but he must always be aware of the Church's discipline. Laicized priests are excluded from performing certain roles, as amply described in their rescripts of laicization. The status of priests who have left the ministry but who have *not* been laicized must be recognized as much more irregular, and they can hardly be employed formally or informally by the Church in any way. The same applies for their civilly married wives.
12. It has been noted that in 1976 and in 1979, the Archdiocese of Seattle devised questionnaires to obtain information useful for the formation and conduct of Archdiocesan programs. Some, unfortunately, understood these questionnaires to be a kind of voting process on doctrinal or moral teachings. The questionnaire did reveal certain deficient doctrinal understandings and the results point to the need for a more careful and extensive catechesis for both children and adults.
13. With regard to the role of women in the Church, the teaching of the Church regarding their God-given dignity and importance should be given full weight. The current fierce politicization of this issue must not impede the Church's efforts to vindicate the rights of all. The exclusion of women from Sacred Orders was dealt with at length in this Congregation's 1975 Instruction, *Inter Insigniores* and should be explained unambiguously.
14. A final question of pastoral practice pertains to ministry to homosexual men and women. The Archdiocese should withdraw all support from any group which does not unequivocally accept the teaching of the Magisterium concerning the intrinsic evil of homosexual activity. This teaching has been set forth in this Congregation's *Declaration on Sexual Ethics* and more recently in the document, *Educational Guidance in Human Love*, issued by the Congregation for Catholic Education in 1983. The ill-advised welcome of a pro-homosexual group to your cathedral, as well as events subsequent to the Apostolic Visitation, have served to make the Church's position appear to be ambiguous on this delicate but important issue. A compassionate ministry to homosexual persons must be developed that has as its clear goal the promotion of a chaste life-style. Particular care is to be exercised by any who represent the Archdiocese, to explain clearly the position of the Church on this question.

In bringing all the above points to your attention, it has been our purpose to assist you as effectively as possible in your office as Archbishop of Seattle. We commend you for your kindness and patience during the Apostolic Visit and during the many months needed by the Holy See for careful review and appropriate action.

May the Holy Spirit of Christ be with you and with His people whom you serve. With my own best wishes, I am sincerely yours in the Lord.

Card. Joseph Ratzinger, letter to Archbishop Hunthausen, Prot. No. 102A79, 30 September 1985 (released 27 May 1987), *RRAO* (1987): 43-49; *Origins* 17 (1987): 37, 41-43.

Letter from Nuncio to Archbishop Hunthausen, after conclusion of Cardinal Hickey's visitation:

With this letter I write to inform you that the Apostolic Visitation requested by the Holy See, and conducted by Archbishop James A. Hickey of Washington, has been concluded and is considered closed.

Prior to that Visitation, both significant criticism and praise had been directed toward your pastoral ministry in Seattle. The Holy See considered if necessary to evaluate certain allegations and also to explore in a wider and more positive fashion your pastoral service in the Archdiocese. Toward that end, the Visitor conferred with more than seventy members of the clergy, religious and laity. In addition, he examined many pertinent documents, statements issued by the Archdiocese and letters. Most importantly, while in Seattle, Archbishop Hickey spent some four or five hours to exchange views with yourself, reviewing the allegations and seeking a deeper insight into your governance of the Archdiocese. This had been preceded by mutual discussions held in Chicago on September 15-16, 1983. It was the Visitor's role to speak to you as a brother bishop, to observe the situation at firsthand, to obtain necessary facts and to analyze them for the Holy See, and to offer you appropriate fraternal assistance and support.

After a careful review of the entire body of testimony and, in particular, on the basis of your own extensive testimony of November 8, 1983, I bring to your attention the following observations.

1. There are many indications that you have striven with heart and mind to be dedicated bishop of the Church, eager to implement the renewal called for in the Documents of the Second Vatican Council. The record is clear that you have worked zealously to bring into existence the various consultative bodies promoted by the Council and mandated by the recently promulgated *Code of Canon Law*. You have devoted much time and attention to bodies such as the Council of Priests and the Archdiocesan Pastoral Council, seeking to enable them to function effectively.

Numerous witnesses spoke of your laudable and conscientious efforts to involve the laity actively in the work of the Church. You have set up processes of dialogue and priests, religious and laity, and you have sought most diligently to be open and accessible to your people. You have been described repeatedly as a man of Gospel values, sensitive to the needs of the suffering and aggrieved. Your apostolic zeal and your concern for peace and justice are well-known. Time and again you have given clear evidence of your loyalty to the Church and your devotion and obedience to our Holy Father.

2. You have given much time to fostering the morale of your priests and religious, meeting with them and encouraging them to participate in a renewal of

Church life. Efforts have been made to develop local Jay leadership and to deepen the life of prayer for the people entrusted to your care. Your own special skills as a homilist and speaker have played a significant role toward the renewal.

3. At the same time, you and your collaborators have suffered from exaggerated and mean-spirited criticism. These observations are based neither on the testimony of strident critics, nor on obviously biased publications. Nor are they offered to encourage in any way extreme groups seeking to undermine the authority of the local bishop. Rather, they are designed to support you in your efforts toward Church renewal and to offer, where necessary, certain guidance and advice.

4. Against this basic background of an apostolate conscientiously conducted, I wish to express the following concerns, asking at the same time your assistance in addressing them in a way that will contribute to the spiritual well-being of the Archdiocese of Seattle.

a. The need to bring into clear focus – working together with priests, religious and theologians – certain teachings of the Church and their implications for the pastoral practice of the Archdiocese. These include the role of the conscience in making moral decisions; the role of the Magisterium in giving definitive guidance in matters of faith and morals; the nature and mission of the Church, together with its sacramental and hierarchical structure; an anthropology which provides an authentic understanding of the dignity of the human person; and a Christology which correctly reflects our Catholic faith concerning Christ's divinity, His humanity, His salvific mission, and His inseparable union with the Church.

b. In particular, the need to present more clearly the Church's teaching concerning the permanence and indissolubility of marriage and to ensure that the Archdiocesan Tribunal, both its constitution and practice, conforms with all the prescriptions of the revised *Code of Canon Law*.

c. Greater vigilance in upholding the Church's teaching, especially with regard to contraceptive sterilization and homosexuality.

d. The need to ensure that pastoral practice regarding the liturgical and sacramental ministry of the Archdiocese is in accord with the Church's universal norms, especially in the celebration of the Eucharist. This includes, for instance, routine inter-communion on the occasion of weddings or funerals. Such a need also involves the Sacrament of Reconciliation, mentioning particularly the proper sequence of first confession/first communion and regulations regarding general absolution.

e. The need to review the ongoing education of the clergy and the selection and formation of candidates for the priesthood, and to be clear that laicized priests are excluded from certain roles in accord with the rescripts of their laicization.

In conclusion, I commend you, Archbishop Hunlhausen, for your loyal cooperation and kindness during the Apostolic Visitation and during the many months of study needed by the Holy See for a careful review and an appropriate

reaction. Even as I offer these observations, I am aware of your continuous efforts to promote genuine growth and renewal in the Archdiocese of Seattle. The Church is grateful for what you have accomplished and I am confident that you will be able to address effectively the concerns expressed in this letter. You can rely on my assistance and support.

Apostolic Pro-Nuncio, 14 November 1985, letter (No. 4483/85/6) to Archbishop Raymond G. Hunthausen at conclusion of apostolic visitation of the Archdiocese of Seattle. *RRAO* (1986): 42-45.

Commission Report to the Holy See, May 20, 1987

I. The History

The Commission appointed by the Holy See to assess the current situation in the Archdiocese of Seattle was officially notified of its mandate in a letter from the Apostolic Pro-Nuncio, Archbishop Pio Laghi, dated January 26, 1987 (Prot. n. 317/87/2). In pursuit of its task the Commission conducted the following interviews:

1. On February 10, 1987, the Commission met with Archbishop Hunthausen and Bishop Wuerl in Dallas, Texas. The entire morning was spent with them together in the presence of the Pro-Nuncio. In the afternoon the Commission met separately with Archbishop Hunthausen and Bishop Wuerl. The Pro-Nuncio was not present at these meetings which occupied the entire afternoon and early evening.
2. On March 6 and 7, 1987, the Commission met at Menlo Park in the Archdiocese of San Francisco with eight bishops of the ecclesiastical provinces of Seattle and Portland, with eight priest consultants of the Archdiocese of Seattle, and with four staff members of the Archdiocese of Seattle. All these individuals were suggested by Archbishop Hunthausen.
3. On March 12, the Commission, together with the Pro-Nuncio, met individually with Archbishop Hunthausen and Bishop Wuerl in Chicago.
4. Subsequent to the above-mentioned sessions, individual members of the Commission met with the following persons:
 - a. On March 19, Archbishop Quinn met with Father William Lane, an Archdiocesan Consultant attending a continuing education program in Rome.
 - b. On March 25, Cardinal Bernardin and Archbishop Quinn interviewed

¹ Commission composed of Joseph Cardinal Bernardin, John Cardinal O'Connor and Archbishop John R. Quinn.

Archbishop James Hickey, who had been the Apostolic Visitor to the Archdiocese of Seattle, in Washington, DC

- c. On March 29 and 31, Archbishop Quinn met with Archbishop Francis Hurley of Anchorage, Alaska and on March 31 he met with Bishop Michael Kenny of Juneau and again with Archbishop Francis Hurley.

During the entire month of April and into the month of May, a number of visits and telephone conversations, as well as an exchange of letters with individuals who had previously been interviewed took place. In addition Archbishop Hunthausen met with the Commission in Chicago on April 8, 1987. Since then the Commission has been in continuing contact with the Archbishop by telephone.

The Commission also studied voluminous documentation, all of which was available to Archbishop Hunthausen and Bishop Wuerl.

II. The Assessment

The Commission was given no mandate on the procedure to be followed in carrying out its task. The Commission, therefore, decided that, while its task was official, its procedure would be informal, and would consist largely of informal discussions with bishops, priests, and lay persons designated by Archbishop Hunthausen, informal discussions with Archbishop Hunthausen and with Bishop Wuerl, and informal discussions and shared prayer by the members of the Commission.

The Commission further decided that the primary context for its approach would be two documents, both known to Archbishop Hunthausen, to the Holy See and to everyone concerned:

1. The summary of the Archbishop Hickey-Archbishop Hunthausen Interview of November 8, 1983, signed jointly by Archbishop Hickey and Archbishop Hunthausen as a "fair and accurate summary."
2. The letter of the Congregation for the Doctrine of the Faith signed by the Prefect, Cardinal Joseph Ratzinger, September 30, 1985 (Prot. n. 102/79) bringing to a close the Apostolic Visitation process, and listing fourteen specific observations, eleven of them raising questions or making recommendations and issuing directives and guidelines for corrective action where required.

The Commission further agreed internally that it would base its conclusions only on documents seen by Archbishop Hunthausen and on discussions with persons designated by him or consulted with his knowledge and concurrence. Each person interviewed was free to share with Archbishop Hunthausen everything discussed with the Commission and the Archbishop was free to seek any such

information from any person interviewed by the Commission.

Finally, and of critical importance to the integrity of the process and the merit of the conclusions, is the fact that the Commission decided that it had been asked neither to prove nor to disprove anything whatsoever. It interpreted its task as the mandate to make an *assessment*. The Commission was not asked to carry out an Apostolic Visitation. It was asked to provide an *assessment* of the “current situation” in the Archdiocese of Seattle. In common sense terms, it seemed quite clear that the Holy See was looking for a common sense judgment, and this is all the Commission attempts to provide here.

The following, then, is the unanimous judgment of the Commission:

1. Archbishop Hunthausen has taken laudable steps to carry out certain of the provisions of the letter of the Congregation for the Doctrine of the Faith.
2. In spite of such steps, certain clear teachings of the Magisterium seem to be confused in the minds of some, and certain practices mandated by the Holy See seem to be modified arbitrarily by some pastors and other persons charged with responsibility for Archdiocesan activities.
3. Archbishop Hunthausen himself observed that the Archdiocese suffers an inadequacy in communications. It seems possible, therefore, that certain ambiguities exist because not everyone is adequately familiar with the Archbishop’s policies or with his articulations of magisterial teaching.
4. At the same time, the Archbishop attributes great value *io compassion*. His own practice of compassion has become almost legendary. While the Archbishop himself, however, seems generally to balance compassion with the law, and asserts unconditionally his own commitment to formal Church teaching, it seems that some who admire his compassion may not give similar weight to the place and demands of law, bending it in important matters under the aegis of compassion.
5. In sum, no matter how personally firm in his teachings and practices the Archbishop himself may be, without intending it, he is *perceived* as generating, or at least accepting, a climate of permissiveness within which some feel themselves free to design their own policies and practices.
6. It would not be difficult to illustrate each of the above observations with concrete examples. It is tempting to do this, particularly since a number of persons interviewed informed the Commission that they felt the Archbishop had been unfairly asked to correct aberrations without being told what they were, that is, without being given an extensive list of concrete matters of teaching or practice requiring correction.

The Commission understands this allegation, but disagrees with its implications. The reason is that, more than individual items which might need correction, it is the overall attitudinal “climate” or psychological and ecclesiological orientation of the Archdiocese which is the ultimate key to the situation.

No substantive changes will perdure until this climate or orientation changes. And this climate or orientation seems to have remained substantially unchanged since the time of the Apostolic Visitation and the letter of the Congregation for the Doctrine of the Faith. This is in no way to suggest a lack of sincerity or the presence of malicious resistance to recommendations and directives of the Holy See. It *is* to suggest, however, that the correction of individual aberrations, laudable though this be, is not sufficient.

7. The Commission believes that the Letter of the Congregation for the Doctrine of the Faith is reasonably clear in both specifics and intent. Cardinal Ratzinger made no effort to provide an exhaustive list of concrete points for correction, very probably the Commission believes, for the reasons cited in no. 6 above. He prefers, rather, to speak of “imperfect notions of the Church’s mission and nature,” or “faulty Christologies,” or the “role of conscience.” Hence, while providing certain concrete examples, he is speaking as bishop to bishop, as between those who share one Lord, one faith, one baptism, one Church.
8. It is the conclusion of the Commission, therefore, that the letter of the Congregation for the Doctrine of the Faith should remain in place as the primary guide for the direction in which the Church in Seattle must move beyond the point it has already reached. Despite its conviction that a listing of individual points does not go to the heart of the problem, the Commission has orally provided the Archbishop with a number of specific examples and is prepared to discuss these and others with him if so desired.
9. In submitting this assessment we express highest praise for Bishop Wuerl and his dedicated efforts to carry out his special responsibilities in the Archdiocese of Seattle, despite exceedingly difficult circumstances beyond his control.

III. Proposal for Resolving the Problem and Concluding Remarks

The proposal for resolving the problem in the Archdiocese of Seattle was devised by the Commission in consultation with the Holy See taking into account both the concerns of Archbishop Hunthausen as well as those of the Holy See.

Virtually all persons interviewed by the Commission agreed that the present arrangement of the divided authority (i.e., an Auxiliary Bishop with special faculties) was not effective and should be changed.

Hence, the proposal of the Commission contains these essential elements:

1. The Auxiliary Bishop should be transferred to another See.
2. The Archbishop should recover his faculties as diocesan bishop.
3. A Coadjutor Archbishop should be appointed.
4. The Holy See should establish target dates for the completion of the tasks referred to in the letter of the Congregation for the Doctrine of the Faith.
5. The Commission should be mandated, for a period to be determined by the Holy See, to assist in the accomplishment of these tasks.

The above represents the unanimous judgment of the Commission. By signing this document, each Commission member testifies that it represents his best, most honest and unprejudiced judgment, and that he is prepared to assist in carrying out whichever of its elements the Holy See approves and directs.

Thoroughly aware of the steps taken by the Holy See up to this point, the Commission is convinced that no steps were intended as punitive, regardless of perceptions to the contrary. The same must be said of the proposal set forth above.

In tile fulfillment of our task, we listened to many voices and weighed many views. We recognize that some of those interviewed may not agree with our interpretation of their statements. Nevertheless, throughout we kept before our eyes some very basic considerations: the need for charity and compassion, the need for fairness and openness, the need to reach decisions and to make recommendations to the best of our ability. But we also kept in mind the nature of a bishop's role in the Church.

Hence we acknowledge the teaching of the Second Vatican Council according to which: "The pastoral charge, that is, the permanent and daily care of the flock, is entrusted to (bishops) fully; nor are they to be regarded as vicars of the Roman Pontiff; for they exercise the power which they possess in their own right" (*LG* # 27).

At the same time, the Council also teaches that every bishop, by reason of his episcopal ordination, is a member of the College of Bishops. He is not an independent agent, standing in isolation. As a member of the College of Bishops, he exercises his office only in communion with and obedience to the Head of the College of Bishops, the Pope, the Successor of Peter and Bishop of Rome. Indeed, every bishop in his ordination publicly declares his promise to fulfill his ministry in obedience to Peter and his successors.

From the first century to this, it his been the role of the Bishop of Rome to intervene in local, regional or national situations when required by the greater good of the Church, as attested by the earliest documents of Christian history. If the Church, spread through many cultures and existing on all continents is to remain one and maintain its identity, the Pope must make decisions which must be binding on the whole body of the Church.

In this connection we cite the words of Karl Rahner: “We are and we shall remain also in the future the *Roman Catholic Church* ...

“The papacy belongs to the binding content of our faith itself, in its proper place within the hierarchy of truths and in our own Christian life. This holds absolutely...

“We can insist that the Church is not a secular reality, but has a quite different nature. But the Church cannot be a debating society: it must be able to make decisions binding on all within it. Such a demand cannot be *a priori* contrary to man’s dignity if – as people today are never tired of impressing upon us – he is indeed a social being. And then a supreme point at which all reflections and democratic discussions are turned into universally binding decisions cannot be without meaning.” (Karl Rahner, S.J. *The Shape of the Church to Come*. Part 2 c. 2)

With this in mind the Commission continues to hope and pray that all will walk together the Gospel path of humility, obedience, charity and peace in accepting the decision of the Holy See.

Commission Report to the Holy See, 20 May 1987. *RRAO* (1987): 49-54; *Origins* 17 (1987): 39-41.

Letter to Apostolic Pro-Nuncio, accompanying copy of Commission Report

On January 26, 1987, the Holy See appointed us to assess the current situation in the Archdiocese of Seattle. We were also invited to suggest a plan for resolving the difficulty.

The task originally assigned to us has now been completed and the Holy See has made its decision based substantially on the proposal we submitted. We have been authorized to share with you our formal report so that you will be familiar with what has transpired.

You will notice when you read the report that we have recommended the following major points:

- (1) that full faculties be restored to Archbishop Hunthausen;
- (2) that he be given a Coadjutor to assist him in carrying out the provisions of the letter of the Congregation for the Doctrine of the Faith (enclosed);
- (3) that our Commission continues to assist him in fulfilling this responsibility during the course of the next year.

We are grateful to all who have assisted us in our task. The Commission feels honored to have been given the opportunity to assist Archbishop Hunthausen and looks forward to working with him during the year ahead.

With cordial good wishes, we remain Sincerely yours in Christ,

Commission letter to Apostolic Pro-Nuncio, 25 May 1987. *RRAO* (1987): 55-56.

Statement of Archbishop Hunthausen, in response to Commission Report

I am genuinely grateful to our Holy Father, Pope John Paul II, for the appointment of Bishop Thomas J. Murphy as my Coadjutor.

I see his appointment as an opportunity for us to move forward together as a Church after a long and very difficult period of struggle and uncertainty.

Bishop Murphy is someone I regard as both a friend and a trusted co-worker. He is a wonderfully energetic and committed servant of the Church who has brought a tremendous amount of vitality as well as an inspiring vision to the Church of Eastern Montana during his years there. The priests and people of the Diocese of Great Falls-Billings will not, I am sure, find it easy to say good-bye to the Bishop who has served them so well for the past nine years.

I feel fortunate to be associated with Bishop Murphy in the leadership of the Church here in Western Washington, and I feel certain that our priests and people will share these sentiments of mine as they become acquainted with him and begin to work with him in the mission of preaching the Gospel and serving God's holy people.

At this time, in addition to expressing my thanks to our Holy Father, I would also like to thank in a public way the three members of the Pontifical Commission, Cardinals Joseph Bernardin and John O'Connor, and Archbishop John Quinn, who have labored so energetically in carrying out the difficult mission that was given to them. It is only honest for me to acknowledge that we have not always agreed on every aspect of the work they have done – even some important aspects – but through it all, I know they have always had in mind the good of the Church. I would like at this time, then, to express my fraternal solidarity with each of them and to assure them of my commitment to cooperate with them in every way possible during the year ahead as they carry out the remainder of their responsibilities with regard to the Church in the Archdiocese of Seattle.

I also wish at this time to address a word of sincere thanks to Bishop Donald Wuerl. This past year-and-a-half has been an undeniably difficult and demanding time for him. He was given a difficult task to carry out in a situation which, because of honest misunderstandings, proved to be unworkable. Nonetheless, Bishop Wuerl gave himself generously to his episcopal duties, working long hours and travelling up and down the Archdiocese in order to be present to the people in our parishes. In so doing, he endeared himself to many of our people. In their name as well as in my own, I wish to express a word of genuine and heart-felt gratitude. My prayer is that the Lord will be with Bishop Wuerl each step of the way in the days to come as he gives himself to the new challenges that will be his.

I would also like to address a word at this moment to all of my brothers and sisters here in the Church of Western Washington. This is a new moment for all of us, and like all new moments, it is most likely an uncertain and somewhat

confusing one for many of us. How could it be otherwise? We have suffered and struggled together over many months and even years now. We have tried to understand God's mysterious and hidden purpose in the pains we have endured and in the questions we have agonized over together. And, not only have we failed, at times, to understand; we have also suffered the even greater hurt of feeling ourselves misunderstood. Few experiences in life are more trying than that or more demanding of the kind of faith that can only come to us as a gift from the Spirit of the Lord Jesus Himself.

In that spirit of faith, then, I call upon the pastors, those in leadership positions in the Archdiocese, and all the faithful to join with me in welcoming Bishop Murphy and in working together in the days that lie ahead.

I have many thoughts and hopes in my heart at this time, but over and above them all is a simple prayer that we will be able to come to see this new moment as a graced moment; a moment in which we are challenged as a Church to become all we strive and profess to be and more – a healing, forgiving, reconciling, welcoming community of people who are willing and even eager to look past our wounds and hurts and to continue our journey together in faith no matter what our difficulties or differences have been. We can really do no less because that is what the Lord calls us to; it is what He himself did. It is this same Lord who embraces us all at this moment. “Let not your hearts be troubled,” He tells us as He told His followers long ago. If we let Him, He will quiet our anger and calm our fears. And He will most surely lead us to the joy that is His unique and wonderful gift to all who strive to follow His lead.

Archbishop Raymond G. Hunthausen, statement in response to Commission Report, 27 May 1987. *RRAO* (1987): 56-58.

Correspondence:

Bishop Donald Wuerl, 19 September 1986, letter to priests. *Origins* 16 (1986): 297, 299.

Apostolic Nunciature. 28 October 1986, chronology of events in Seattle, *Origins* 16 (1986): 361, 363-364.

Bishop James Malone, 12 November 1986, “The Situation in Seattle” *Origins* 16(1986): 400-401.

Archbishop Raymond Hunthausen, 12 November 1986, speech to NCCB, *Origins* 16 (1986): 401-405.

Archbishop Raymond Hunthausen, response to Vatican Chronology, *Origins* 16 (1986): 406-408.

Archbishop Raymond Hunthausen, 12 November 1986. statement on executive session of NCCB, *Origins* 16 (1986): 408.

Michael G. Ryan, 15 April 1987, letter to priests. *Origins* 16 (1987): 805-806.

Seattle priests, 20 April 1987, statement on Archbishop, *Origins* 16 (1987): 806-807.

Archbishop Raymond Hunthausen, 7 December 1988, letter to Cardinals Ratzinger and Gantin, *Origins* 18 (1988): 480.

Archbishop Raymond Hunthausen. 16 December 1988, response to Vatican concerns outlined, *Origins* 18 (1988): 505-507.

CANON 413

Provision for governance of the impeded see, 12 November 1987. Private.

On a number of occasions during the past weeks, we have responded to inquiries relating to canons 412 and 413 of the Revised *Code of Canon Law*. For this reason, it is thought prudent to ask your assistance in calling these norms to the attention of the general membership of the National Conference of Catholic Bishops.

The special circumstance created by the impeded see was already recognized by the 1917 *Code of Canon Law*. In other words, it was foreseen that perhaps for reasons of personal health or due to socio-political factors, the diocesan Bishop might be prevented from exercising his jurisdiction in person. Lest the well being of the local Church suffer in such a situation, the 1917 code admonished the Bishop to designate several priests who would succeed each other in turn in the governance of the impeded see on behalf of the Bishop.

The Revised *Code of Canon Law* generally retains this directive, but now specifies further that, shortly after taking possession of the diocese, the Bishop is to commit in writing the names of those priests, in preferential order, who are to exercise interim diocesan leadership in the event that the see becomes impeded (c. 413). Thereafter, unless the Holy See determines otherwise, the governance of the impeded see would pass, first of all, to the coadjutor Bishop if there is one. If there is no such Bishop, or if he also is impeded from functioning, diocesan leadership passes to some other priest according to the order determined in the list as prepared by the Bishop. In either case, whoever assumes the governance for the reason stated is to advise the Holy See immediately. It should be noted moreover that, in the absence of a coadjutor, diocesan leadership does not pass automatically to the auxiliary Bishop or the vicar general unless one or the other has been delegated in writing.

Canon 413 further stipulates that the aforementioned list is to be communicated to the metropolitan, renewed at least every three years, and entrusted to the Chancellor who is to preserve it in secret. Though explicit provision is not made here for the person to whom the metropolitan is to communicate the list, in light of parallel canons (c. 415) it would seem to be the senior suffragan in terms of appointment to office.

Finally, if there is no coadjutor Bishop and the list is also lacking, the college of consultors is to select a priest to govern the diocese. The Holy See is to be notified immediately. In this instance, the consultors would have to meet a second time to elect a diocesan administrator in accord with canon 421 should the impeded see eventually become vacant due to the death of the diocesan Bishop.

In concluding, I would simply add the observation that, from a practical point of view, it seems that the requirements of canons 412-413 could readily be

addressed at the regular provincial meetings. Please understand also that our primary concern in calling attention to these canons is that the liceity and/or validity of administrative and sacramental actions not be called into question.

Apostolic Pro-Nuncio, letter to the President of the NCCB, 12 Nov. 1987. *RRAO* (1988): 19-20.

CANON 434

The presidency of episcopal conferences. Private.

Letter from judicial vicar to President of the Pontifical Council for the Interpretation of Legal Texts, April 20, 1989:

In your commentary about the response of the Pontifical Commission concerning the presidency of episcopal conferences, appearing in the English edition of the *L'Osservatore Romano* of March 20, 1989, you state: "The presidency does not have a purely honorific or decorative significance; rather it is an important position, which touches directly on the nature and scope of the conference, and presupposes, by its nature, full membership in it. In fact, the president represents the conference, even when the assembly is not meeting. He is often called upon to give judgments, to express opinions or evaluations; in a word, to be the spokesman for the conference."

Does this statement invalidate the prescription of canon 455, §4, which states, "in cases where neither the universal law nor a special mandate of the Apostolic See gives the episcopal conference the powers mentioned in paragraph one, the competence of each diocesan bishop remains intact. In such cases, neither the conference nor its president can act in the name of all the bishops unless each and every bishop has given his consent?"

If the response is in the *negative*: can the president of the conference speak on behalf of the other bishops *only* "in cases where the universal law has so prescribed, or by a special mandate of the Apostolic See, either on its own initiative or at the request of the conference itself?"

If the response is in the *affirmative*: does the text of canon 455, §4 retain its validity?

Response from Cardinal Castillo Lara to judicial vicar, June 8, 1989:

I am responding to your letter 17 May of this year in which you asked for a clarification of my commentary (about the authentic interpretation of 19 January 1988 regarding the possibility of an auxiliary bishop acting as president of an episcopal conference given by the Pontifical Commission for the Authentic Interpretation of the *Code of Canon Law*) published in the English edition of the

L'Osservatore Romano of 20 March 1989.

You inquired specifically about my comment that “the president represents the conference, even when the assembly is not meeting. He is often called upon to give judgments, to express opinions or evaluations; in a word, to be spokesman for the conference,” asking whether this has any effect on the prescriptions of canon 455, §4.

The commentary as published, and also this letter in response to your question, is of a private, personal nature and as such has the full value normally attributed to such statements by the law. That is, there is no legislative force whatsoever. My personal comments have no intent or capacity to derogate from the laws of the Church or their observance. That can be done only in accord with the established norms of universal law.

My claim, that the president of the conference acts as spokesman of the conference, must be understood in the context in which it was given. The president has the role of announcing and possibly explaining those decisions made in accord with the norm of law by the conference when this is called for by the conference. Obviously he has no power to speak in the name of the bishops when they have not reached a decision in matters which belong to their competence (cf. c. 455, §1) and even less so in those matters which the episcopal conference does not have the competence attributed to it by universal law or by some special mandate of the Apostolic See. Accordingly canon 455, §4 retains its full force. It is clear, however, that he also acts as spokesman of the conference in those circumstance which do not involve any formal decision or which do not have any binding character, e.g., in responding to questions of journalists, etc.

I hope that this provides the clarification which was requested. I would like to take advantage of this occasion to express to you my best wishes and regards.

Exchange of correspondence between judicial vicar and President of Pont. Comm, for the Auth. Interp. of C/C, 1989. *RRAO* (1990): 18-20.

Authentic Interpretation: Capacity of Auxiliary Bishop for Presidency of Episcopal Conference, 23 May 1988. *Æ* 45 81 (1989): 388.

D. Whether an auxiliary bishop is able to undertake the office of president (or pro-president) of an episcopal conference. Whether he can undertake such a position in gatherings of the bishops of ecclesiastical regions mentioned in canon 434.

R. Negative to both.

Pontifical Commission for the Authentic Interpretation of the Code of Canon Law *AAS* 81 (1989): 388. */?/?AO*(1990): 112.

CANON 447

Pastoral Letter on the Economy:

NCCB, 13 November 1986, pastoral letter "Economic Justice for All," *Origins* 16 (1986): 408-410-455.

Pastoral Letter on Peace:

NCCB, "Building Peace; Pastoral Reflection on the Response to 'The Challenge of Peace'," 25 June 1988, *Origins* 18(1988): 129, 131-133.

Statement on AIDS:

CCCB, March 16, 1989, statement, *Origins* 19 (1989): 25-27.

CANON 451

Particular Legislation: Statutes for Episcopal Conferences.

Canada:

In accordance with the prescriptions of canon 8, §2, the Canadian Conference of Catholic Bishops hereby decrees the promulgation of the Constitution of the Canadian Conference of Catholic Bishops (CCCB).

General Principles

Article 1 – Description

The Canadian Conference of Catholic Bishops (CCCB) is the association of the Catholic Bishops of Canada. This organization is the expression, at its level, of collegial responsibility and collective activity of the Canadian Episcopate at the service of the People of God. The CCCB is established to serve more effectively the growth of the Church, the coordination of Catholic activities in Canada and collaboration with Episcopal Conferences, especially neighboring ones, and with all other Churches and religions.

Article 2 – Mission or Authority

Any mission or authority given to an organism in the name of the Episcopate is granted by delegation from the Episcopal Conference; any such delegate is responsible to the Episcopal Conference.

I-Plenary Meeting*Article 3 – Competence*

- 3.1 – The Plenary Meeting of the Members constitutes the basic structure and the highest authority within the Episcopal Conference.
- 3.2 – The members of the Permanent Council hold their powers directly and exclusively from the Episcopal Conference to which they are responsible.

Article 4 – Members

- 4.1 – The Episcopal Conference includes as Members all diocesan bishops and those equivalent to them in law, all coadjutor bishops, auxiliary bishops and other titular bishops who exercise in the territory a special office assigned to them by the Apostolic See or by the Episcopal Conference of any rite within the Catholic Church.
- 4.2 – The Plenary Meeting of the Episcopal Conference is constituted by the Members of the Conference who attend it.

Article 5 – President and Vice President

- 5.1 – The Episcopal Conference elects its President and its Vice President in Plenary Meeting.
- 5.2 – The President and Vice President must be elected among the diocesan bishops or those equivalent in law to a diocesan bishop (cf. Official Document No. 626).
- 5.3 – The President of the Episcopal Conference or, when he is lawfully impeded, the Vice President presides over the Plenary Meetings of the Episcopal Conference as well as over the Permanent Council and the Executive.

Article 6 – Deliberative Vote

- 6.1 – All Members of the Episcopal Conference have the right to vote, the power to elect and the capacity to be elected. In addition to the regular vote in Plenary Meeting, they can, if necessary, be called to vote by correspondence if requested by the President, the Executive or the Permanent Council.
- 6.2 – An “emeritus” bishop and a titular bishop who is not a Member of the Conference has a consultative vote.

Article 7 – Meetings

- 7.1 – The Plenary Meeting is held at least once a year.
- 7.2 – Although the Papal Legate is not by law a member of the Episcopal Conference, on the occasion of the Plenary Meeting the Episcopal Conference invites him to meet the Members and address the meeting.

Article 8 – Episcopal Structures

- 8.1 – The Episcopal Conference sets up – or may delegate the Permanent Council to do so – all the structures required for its effective operation.
- 8.2 – Every pastoral activity and institution of a national character for which the Episcopal Conference is in some way responsible are linked to one of these Episcopal structures.

Article 9 – Voting

- 9.1 – In all deliberative meetings, decisions are taken by an absolute majority of votes of those bishops present with a deliberative vote. However, a majority of at least two-thirds of the Members of the Episcopal Conference is required for those matters which are juridically binding by virtue of either universal law or the CCCB By-Laws.
- 9.2 – Voting is done by raising hands, unless one Member requests a secret ballot. All elections are held by secret ballot.

Article 10 – Decisions

- 10.1 – Decisions of the Episcopal Conference have force of law only in cases determined by universal law or when a special mandate is given to the Episcopal Conference by the Apostolic See, either on its own initiative or at the request of the Episcopal Conference. These decisions must receive a majority of at least two-thirds of the votes of Members of the Episcopal Conference who have a deliberative vote.
- 10.2 – These decisions are not binding until they have been recognized by the Apostolic See and legitimately promulgated at the time and in the manner determined by the Episcopal Conference.

II – The Permanent Council*Article 11 – Competence*

- 11.1 – The Permanent Council holds its authority from the Episcopal Confer-

ence to which it is responsible.

- 11.2 – Between Plenary meetings of the Episcopal Conference, the Permanent Council has the principal responsibility for the overall orientation of the Episcopal Conference. It sees to the preparation of the plenary Meeting and to the follow-up to its major decisions, in close collaboration with the various Episcopal and non-episcopal bodies concerned.

Article 12- Members

The Permanent Council is made up of at least fourteen (14) members.

Article 13 - Meetings

The Permanent Council shall meet at least twice a year.

III – The Executive

Article 14 - Competence

- 14.1 – The Executive holds its authority from the Permanent Council to which it is responsible.
- 14.2 – Between the Permanent Council meetings, the Executive is principally responsible for promoting and coordinating the Episcopal Conference’s initiatives. It must also see to the carrying out of the decisions of the Episcopal Conference and the Permanent Council. It also deals with the financial affairs of the Episcopal Conference and with current and urgent matters.

Article 15 - Members

The Executive of the Episcopal Conference is made up of the President, Vice President and at least two Councillors.

Article 16- Reunions

The Executive shall meet at least four times a year.

IV – The General Secretariat

Article 17 - The General Secretariat

- 17.1 – The Episcopal Conference has at its service a General Secretarial.

- 17.2 – The General Secretariat carries out its activities under the jurisdiction of at least one General Secretary.

Article 18 – The General Secretaries

- 18.1 – The Episcopal Conference is responsible for the appointment of the General Secretary or Secretaries from among candidates presented by the Permanent Council. The authority of the General Secretary or Secretaries comes directly from the Episcopal Conference, to which the General Secretary or Secretaries must render account.
- 18.2 – In the exercise of all office functions, the General Secretary or Secretaries is or are immediately subject to the President of the Episcopal Conference.

V – Supplements

Article 19 – Official By-Laws and Codes of Procedures

- 19.1 – This Constitution is supplemented by official By-Laws adopted by a two-thirds vote of the Episcopal Conference on presentation by the Permanent Council. These By-Laws determine mainly the respective powers and duties of the Permanent Council, the Executive, the General Secretary or Secretaries and the directors of the various bodies established by the Episcopal Conference. These By-Laws determine election procedures, duration of mandates, ways of convoking meetings and questions of quorum.
- 19.2 – The By-Laws are themselves complemented, as required, by a “Code of Procedure,” which specifies the line of authority and execution for acts of the Episcopal Conference and the General Secretariat. It is promulgated by the Permanent Council on presentation by the Executive.

Article 20 – Adoption, Confirmation And Amendment

- 20.1 – This Constitution shall be adopted by the Episcopal Conference in a secret ballot by a two-thirds vote of the diocesan bishops and those equivalent to them in law, and of coadjutor bishops.
- 20.2 – The Episcopal Conference can make amendments to the Constitution under the following conditions:
- 20.2.1 – that a notice of motion be presented three months in advance and be accepted by a majority of the members of the Permanent Council;
- 20.2.2 – that a regular consultation be made of all the bishops entitled to

- adopt the Constitution;
- 20.2.3 – that decisions be made by secret ballot and a majority of two-thirds of the bishops entitled to adopt the Constitution;
- 20.2.4 – that this new Constitution be recognized by the Apostolic See.

OD no. 573; 26-06-87; SC (1986): 221, 223, 225, 227, and 229.

CANON 459

Particular Legislation: Relations with Other Episcopal Conferences.

The Gambia, Liberia, and Sierra Leone:

The Inter-territorial Conference wishes particularly close relationships with the national Conferences of Nigeria and Ghana and the full exchange of information and planning with these two other A.E.C.A.W.A. [Association of the Episcopal Conferences of Anglophone West Africa) Conferences.

ITCABIC, 3 (1986), p. 8.

CANON 496

Particular Legislation: Statutes for Presbyteral Councils.

Canada:

In accordance with the prescriptions of canon 496, the Canadian Conference of Catholic Bishops hereby decrees that the Presbyteral Council in each diocese shall have an Executive Committee, chaired by the diocesan bishop or his delegate.

The Presbyteral Council is to meet at least twice a year; it has a consultative vote.

The term of office of priests elected to the Presbyteral Council or appointed by the diocesan bishop is not less than two years nor more than five years, renewable.

The duties of the Presbyteral Council shall be coordinated with those of other diocesan groups.

OD no. 591 ; 28-03-88; SC 22 (1988), p. 461.

The Gambia, Liberia, and Sierra Leone:

The draft of the presbyteral council for the archdiocese of Monrovia is accepted

by the Conference as typical for the Inter-territorial Conference. The number of elected members should be at least one half plus one. All members of the presbyterium have the right to vote. All priests who are legitimately assigned to the diocese at the time of the election shall have the right to be voted for. The council is established for a period of three years.

The diocesan bishop approves the statutes of the presbyteral council drawn up in the light of the above norms.

rrCABIC. 3 (1986), p. 2.

Nigeria:

The Catholic Bishops' Conference of Nigeria directs as follows:

1. Every diocese should set up a presbyteral council if there is not already one in existence;
2. In drawing up statutes, existing samples in our country or outside it may be used;
3. The following sample may be adapted.

* * * ◆

Sample Constitution and Commentary

P r e a m b l e

The bishop and the priests of this diocese share in the one priesthood of Jesus Christ by their baptism and, in a special way, by their call to holy orders. While all members of the Church belong to the one Body of Christ, priests, by their ordination, are called to a unique ministry in the same purpose: to proclaim the Kingdom of God and to build the Body of Christ.

The presbyteral council will be a place for mutual, open reflection and fraternal dialogue between the bishop and the priests of the diocese.

Conscious of our responsibility to the diocese and the communion of the Catholic Church; aware of the bonds of fraternity among all priests of this diocese, diocesan and religious; seeking to strengthen and promote the bond of unity and affection among all the people of God of this diocese; mindful of the Second Vatican Council and in conformity with the revised *Code of Canon Law*, we the bishop and presbyters of the Diocese of New Hope, do hereby establish the presbyteral council of the diocese.

Article I: Name

The name of this body shall be “The Presbyteral Council of the Diocese of New Hope.”

Article II: Purpose

The purpose of this presbyteral council shall be:

- 1. To provide a forum for the full and free discussion of all issues of pastoral concern in the diocese;
- 2. To aid the diocesan bishop in the governance of the diocese according to the norm of law so that the pastoral welfare of the people of God committed to the bishop with the cooperation of the presbyters may be carried forward as effectively as possible;
- 3. To search for and to propose ways and means for effective pastoral ministry;
- 4. To be representative of the unity and diversity of the priests of the diocese.

Article III: Membership

Sec. 1. The membership shall consist of the diocesan bishop, twelve elected members, four *ex officio* members, members of the college of consultors sitting in accordance with Section 3 hereof, and five appointed members.

Sec. 2. The elected members shall be elected by mail ballot by and from among the priests of the ten vicariates of the diocese (one each) and the priests engaged in special ministry (one) and the retired priests (one), each for a term of five years and until their successors are chosen.

Elections shall be held by mail ballot in December of each year, and terms shall begin 1 January. A plurality of the votes cast shall elect. Terms shall be staggered so that vicariate terms and not more than one other term expire each year. Each priest of this diocese, each priest of another diocese living in this diocese and each religious priest living in this diocese and exercising some office for the good of the diocese shall be elected, each in his respective constituency. Disputed cases concerning eligibility to vote and to be elected shall be decided by the Elections and Membership Committee. The vacancy of any elected member’s seat shall be filled by a special election in his constituency for the unexpired portion of the term.

Sec. 3. The *ex officio* members shall be the *Auxiliary Bishop*, the *Vicar General*, the *Chancellor*, the *Episcopal Vicar for the West*, and any member of the college of consultors whose term on the council shall otherwise expire while he is still a consultor, for the duration of his term as a consultor.

Sec. 4. The appointed members shall be appointed by the diocesan bishop for a term of five years, which can be renewed upon expiration at the discretion of the

bishop. Terms shall be staggered so that only one appointment is made each year. The vacancy of any appointed member's seat shall be filled by an appointment by the bishop for the unexpired portion of the term.

Article IV: Officers

Sec. 1. The officers of the presbyteral council shall be the president, the chairman, the vice-chairman, the secretary and the treasurer.

Sec. 2. The president of the council shall be the diocesan bishop. The president shall have the right to call meetings of the council, to preside over meetings of the council, to place matters of concern on the agenda of the council, to accept or reject (except where otherwise provided by canon law) the results of the council's deliberations, and to promulgate official decisions arising therefrom.

Sec. 3. The chairman shall preside at meetings of the council not presided over by the president, shall be the chief executive officer of the council, and shall have the duties prescribed for this office by the parliamentary authority and by such standing rules as the council shall adopt.

Sec. 4. The vice-chairman, the secretary and the treasurer shall have the duties prescribed for their respective offices by the parliamentary authority and by such standing rules as the council shall adopt.

Sec. 5. The officers other than the president shall be elected by and from among the members of the council for a term of two years beginning on *January 31st of each even numbered year*, and until their successors are elected. No member shall hold more than one office, or be re-elected to the same office for more than two consecutive terms. In the event of a vacancy in an elected office, the council shall elect an officer to fill the unexpired portion of the term.

Article V: Meetings

Sec. 1. The council shall meet not less often than every other month, on an annual schedule to be adopted by the council, and at the president, the chairman, or any four members.

Sec. 2. A simple majority of the members including a majority of the elected members shall constitute a quorum.

Sec. 3. The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the council in all cases to which they are applicable and in which they are not inconsistent with canon law, this constitution, and any special rules of order the council may adopt.

Article VI: Committees

Sec. 1. The council shall have an executive committee, an elections and membership committee and such other standing or special committees as shall be necessary to carry on the work of the council.

Sec. 2. The executive committee shall consist of the officers of the council. This committee shall prepare the agenda for meetings of the council, and shall coordinate where necessary the work of the other committees. The executive committee shall not have the power to act in the name of the council except as specifically authorized by the council.

Sec. 3. The elections and membership committee shall consist of not fewer than three members appointed by the chairman and confirmed by the council. This committee shall have supervision over matters pertaining to eligibility to vote and to be elected, and shall conduct the elections for elected members of the council.

Sec. 4. Other committees may be created by the council, and shall have the rights and duties that the council shall from time to time specify. Their members shall be appointed by the chairman and confirmed by the council.

Article VII: Finances

Sec. 1. The operating budget for the council shall be prepared by the treasurer and approved by the council. The budget shall then be included in the diocesan budget preparation process, and ultimately approved by the diocesan bishop.

Sec. 2. The operating budget shall provide for necessary funds to be provided by the diocese to cover the expenses of the council.

Article VIII: Amendments

Sec. 1. This constitution may be amended by a vote of two-thirds of the members of the council, provided that the amendment has been submitted in writing at the previous meeting of the council, and subject to the concurrence of all those eligible to vote in council membership elections and to the approval of the diocesan bishop.

Sec. 2. This constitution shall be adopted by a two-thirds mail ballot of the presbyterate of the diocese and the subsequent approval of the diocesan bishop, and shall become effective ten days after the date of such approval.

PCN. pp. 12-21.

Scotland:

The Bishops' Conference of Scotland decrees that because of the degree to which circumstances vary from diocese to diocese in this country, it should be left

to the diocesan bishop, in consultation with his council of priests, to formulate statutes for that council in accordance with the principles laid down in the *Code of Canon Law* (cc. 495-502).

CLSGBI Newsletter, no. 69 (March 1987), p. 28.

CANON 502

Particular Legislation: Entrusting Responsibilities either to College of Consultors or Chapter of Canons.

The Gambia, Liberia, and Sierra Leone:

The functions of the college of consultors are not entrusted to the cathedral chapter. The draft of the college of consultors for the archdiocese of Monrovia is taken as typical for the Inter-territorial Conference.

ITCABIC. 3 (1986), p. 5.

Nigeria:

The Catholic Bishops' Conference of Nigeria does not consider this option [of entrusting the functions of the college of consultors to the cathedral chapter – §3] necessary in Nigeria.

PCN, p. 22.

CANON 509

Authentic Interpretation: Election of President of Chapter of Canons, 20 May 1989. AAS 81 (1989): 991.

D. Whether it is required to elect the president of a chapter of canons in the light of canon 509, §1?

R. Negative.

Pont. Comm, for the Auth. Interp. of the Code of Canon Law. *AAS* 81(1989): 991 · *RRAO* (1990): 113.

CANON 522

Particular Legislation: Stability of Pastors.

The Gambia, Liberia, and Sierra Leone:

The Conference decrees that the local bishop may appoint parish priests for a period of six years, which may be renewed.

/TCAfi/C, 3 (1986), p. 5.

Nigeria:

The Catholic Bishops' Conference of Nigeria directs and decrees that the appointment of parish priests shall be *ad tempus* or for a specified period of time.

PCN, p. 22.

South Africa:

In accordance with the prescriptions of canon 522, the Southern African Catholic Bishops' Conference hereby decrees that the diocesan Bishop may appoint parish priests for a renewable six year term. The diocesan Bishop is, however, to consult with the Presbyteral Council before implementing this decree for his diocese.

SACBC

United States of America:

Individual ordinaries may appoint pastors to a six year term of office. The possibility of renewing this term is left to the discretion of the diocesan bishop. The primary provision of canon 522 that pastors may be appointed for an indefinite period of time remains in force.

The action was reviewed by the Holy See (Congregation for Bishops) as noted in Proto No. 1887/84/6, May 16, 1984. Promulgated: September 24, 1984. www.nccbuscc.or/norms.

CANON 535**Particular Legislation: Parish Books.**

The Gambia, Liberia, and Sierra Leone:

The Conference decrees that every parish and central mission have a baptismal register, confirmation register in accordance with canon 895, marriage register, and a burial register.

Parish priests are obliged to make accurate entries and to keep these registers in a good state of preservation.

The Conference decrees that every diocese should have a register for ministries conferred, and a register for holy orders conferred, in accordance with canon 1053.

ITCABIC, 3 (1986). p. 5.

Nigeria:

The Catholic Bishops' Conference of Nigeria prescribes the addition of catechumenate registers according to the following guidelines:

Pre-Catechumenate:

1. Registration in an ordinary big note book.
2. Attendance cards are issued.

Catechumenate: part one (Enrolment of candidates):

1. For the catechumenate special school register.
2. Catechumenate cards are issued.

Catechumenate: part two (Period of the scrutinies):

1. Another register for those elected for initiation at Easter vigil ceremonies.
2. Post initiation period: Names of those initiated are entered into the usual parish baptism and confirmation registers.
3. If possible the initiated should be enrolled in the Church societies of their choice for Christian life in action.

PCN. pp. 22-23.

CANON 538**Particular Legislation: Sustenance for Retired Clergy.**

Canada:

In accordance with the prescriptions of canon 538, §3, and the provisions of canon 281, §2, the Canadian Conference of Catholic Bishops hereby decrees that, taking into account the principles of natural justice and equity, as well as the traditions and circumstances of each diocese:

1. Each diocesan bishop shall see to it that a specific and funded plan is established to provide adequate support and accommodation for all retired priests incardinated in his diocese; available Government pension programs, public pension plans, and other social benefit programs shall be taken into account;
2. Each diocesan bishop shall also see to it that priests incardinated in the diocese who become incapacitated before the regular retirement age, will receive sufficient assistance to provide for adequate support and accommodation, taking into account any social assistance programs to which they may be entitled;
3. The administration and verification of the adequacy of these retirement and disability funds shall be entrusted to persons who are recognized as being truly competent in the field.

This decree is effective January 1, 1989.

OD no. 599; 28-06-88; SC 22 (1988), pp. 479 and 481.

England and Wales:

In accordance with canon 538, §3, the Conference hereby enacts that:

1. Each diocese in England and Wales should have its own scheme, in accordance with its circumstances and traditions, adequately designed to provide for the worthy maintenance and residence of retired diocesan priests.
2. The National Committee for Sick and Retired Priests (including representation from the Clergy Voluntary Funds) shall continue to advise diocesan bishops annually concerning recommended minimum level of benefit.

Briefing 86, p. 158.

The Gambia, Liberia, and Sierra Leone:

Parish priests on retirement are to seek the approval of the diocesan bishop for their retirement residence. Their maintenance should at least equal the diocesan maintenance of an active parish priest.

ITCABIC. 3 (1986), p. 2.

Nigeria:

The Catholic Bishops' Conference of Nigeria directs as follows:

1. The *Opus securitatis of the Pontificium Opus a S. Petro apostolo pro clero missionum* should be carefully implemented and adopted by all dioceses. By virtue of this arrangement individual dioceses and priests contribute a determined proportion to the fund raised by the Pontifical Work of St. Peter Apostle for the indigenous clergy.
2. There should be an insurance plan at the diocesan level. The presbyteral council should work out such plan.
3. A special house for retired priests should be provided in each diocese. Care should be taken not to encourage priests to retire to their relations. If they do, adequate spiritual care should be provided such priests.
4. Priests should look ahead and act maturely.
5. As in the case of a retired bishop (c. 402) every priest shall make a will in accordance with the general format already approved by the Episcopal Conference.

PCN, pp. 23-24.

Philippines:

1. The diocesan curia shall set aside investment funds for sickness, retirement, residence and death provisions for the clergy. Other means to achieve the same purpose may also be employed.

2. The present Pension Plan of the Catholic Bishops' Conference of the Philippines is adopted so that through a pension fund, benefits due to retirement, death, disability and separation may be provided for the bishops and diocesan priests.

CLDP. p. 65.

Scotland:

The Bishops' Conference of Scotland decrees that in the meantime no further norms for the maintenance of retired priests will be added to those which are in the *Code of Canon Law*.

CLSGBI Newsletter, no. 69 (March 1987), p. 29.

United States of America:

In accord with the prescriptions of canon 538, §3, the National Conference of Catholic Bishops authorizes diocesan bishops to develop diocesan policy for the retirement of priests in accord with the provisions of *Norms for Priests and Their Third Age*.

Approved: General Meeting, November 1987. Reviewed: Holy See (Congregation for Clergy. Letter from Apostolic Pro-Nuncio (Prot. No. 546/87/4) January 19, 1988. Promulgated: Norms for Priests and Their Third Age, February 23, 1988.

Norms for Priests and Their Third Age
(18 November 1987)

Introduction

The senior years of a priest's ordained ministry, especially the retirement years, are important for the proper completion and perfection of the priestly vocation. These norms, in accord with the *Code of Canon Law*, are intended to promote both the value and the dignity of the person as well as the ministry and mission of the Church. These norms, in accord with the *Code of Canon Law*, suggest that retirement from a diocesan appointment does not imply an end to ministry. Rather they speak of an entry into a third age, where the Spirit is calling us to reflect upon, to integrate, and to complete the ministry to which we were called.

1. The bishop normally should allow any priest to retire when he has reached the age of seventy-five. The diocesan bishop, in consultation with the presbyteral council, can adopt a diocesan policy which allows priests, for pastoral or personal reasons, to retire from diocesan assignment at an earlier age. Pastors are asked to submit their letters of resignation by the age of seventy-five.

Canon 538, §3: When a pastor has completed his seventy-fifth year of age he is asked to submit his resignation from office to the diocesan bishop, who, after considering all the circumstances of person and place, is to decide whether to accept or defer the resignation; the diocesan bishop, taking into account the norms

determined by the conference of bishops, is to provide for the suitable support and housing of the resigned pastor. (*Code of Canon Law*: [Washington, DC: Canon Law Society of America, 1983])

2. Diocesan policy should specify the age when every priest will enter into a process of discernment with the diocesan bishop regarding when and how he will retire from diocesan appointment. Further, all dioceses should provide for those who, through disability, have to retire prior to the age determined by diocesan policy.

3. The diocesan bishop, in consultation with the presbyteral council, might wish to consider the naming of a retirement committee for the purpose of discerning with each given priest his proper time for resigning his diocesan appointment. While retaining to himself the right to make the final decision with any given priest, the diocesan bishop will be assisted and guided by the report and the reflections which such a committee will offer him.

4. Each diocese should maintain its own index of senior priests. Thus, retired from their own diocesan appointments, these men could indicate the kinds of ministry they want to continue to offer. The pastors of the diocese would thus be able to contact those priests easily in times of need.

5. Diocesan bishops should develop plans and programs to assist priests with preparation for their third age. This will enhance the value of this third age both for the individual and for the local church whose ministry will continue to be a central focus of his life.

6. Diocesan bishops should appoint a priest whose duties include assisting senior priests with their third age planning as well as being an advocate for their concerns. The diocese also is encouraged to provide options for third age ministry.

7. Diocesan bishops should strongly promote a program which encourages the physical, emotional, and spiritual health of all priests. Senior priests must be included in such programs; and, efforts to provide sufficient medical insurance for them is essential.

8. The diocese should provide various options for the housing of third age priests, according to diocesan policy. Normally, the retiring priest should be given a choice in regard to his retirement housing.

9. Diocesan bishops should provide as a norm special arrangements for those who are physically or emotionally in need of such care.

10. Each diocese should guarantee that priests be given adequate support through a long-range, financially independent, and professionally managed pension fund. In addition, the priest should bear in mind responsible stewardship of his own resources. Participation in the social security system, as well as IRA'S, or other forms of savings, is considered an essential element of this stewardship. He should also mindful of the needs of the local church in his last will and testament.

11. The diocesan bishops should normally ensure that diocesan programs give

specific consideration to the spiritual growth of third age priests. Thus the diocesan program of retreats, conferences, mentoring, spiritual direction, and support groups all should consider the senior priest.

12. Diocesan bishops and priests should develop a special sensitivity to the needs and the inclusion of the senior priests in diocesan life.

13. Dioceses, in their efforts to provide effective retirement policies and procedures, should be aware of the resources and expertise provided by national organizations both within and outside the Church.

CANON 568

Instruction regarding Pastoral Commitment for Migrants and Refugees, Undated. Congregation for Religious and Institutes of Consecrated Life.

A joint Instruction issued to all Major Superiors of Religious Institutes and of Societies of Apostolic Life.

1. Migrations, voluntary or forced, in our times a permanent phenomenon of vast, massive proportions in all continents and countries, are creating very serious material and spiritual problems.

2. Moved by pastoral solicitude and encouraged by the constant expansion and intensification of the commitment of religious institutes in the pastoral activity for migrants and refugees, the Pontifical Commission for the Apostolate of Migrations and Tourism organized in Rome during the first week of Advent 1986 an international meeting of religious to discuss the theme “Religious and the Pastoral Care of People on the Move.”

3. Among the representatives of the offices of the Roman Curia, the Secretary of the Congregation for Religious and for Secular Institutes took an active part in the Meeting and drew up the conclusions of the discussions. Among the initiatives he suggested to meet the emergency, most favorably received was the proposal that a joint instruction be sent by the Congregation for Religious and for Secular Institutes and the Pontifical Commission for the pastoral activity regarding migrations and tourism to all the religious institutes of men and of women to invite them to extend and strengthen their commitment in the pastoral care of people on the move.

In order to carry out that proposal, it is well to point out some considerations of an ecclesial nature which motivate the instruction.

4. *a)* From the fact that a person moves to another place arises the need to accompany him on the journey and fulfill the specific pastoral needs his situation demands.

b) By reason of the force characteristic of our times, human mobility is regarded as a sign of the times, a sort of providential signal to which the structures of

pastoral activity must correspond in order to make the Gospel effective in modern society, so massively influenced by human mobility.¹ “The pastoral mobility of the Church,” says Paul VI, “must respond to the mobility of the modern world.”

c) The Church, “sign and instrument of the unity of the entire human race,” feeling itself profoundly involved in the history of mankind, seeks to know the duties awaiting it in this new society, marked by ethnic and cultural pluralism, on its way to the third millennium.

d) Participating in the “joys and hopes, in the sorrows and anxieties of today of the poor and of all those who suffer” (GS 1), the Church makes herself message, colloquy particularly with the poor of our day, such as the migrants and refugees, out of whose sufferings there should spring forth the hope for a better future, the need to overcome the evils of discrimination and of injustice, the desire for unity and fraternity.

5. a) Pastoral activity in favor of migrants is not the exclusive work of a few specialists. These could not assume the responsibility which rests upon the entire Church, nor could their efforts be efficacious without the support and assistance of all the members of the ecclesial community.

b) The modern phenomenon of mobility offers the Church the occasion to exercise her missionary vocation, and is an incentive to her for courage, generosity, and creativity.²

c) From these considerations came forth the Instruction of the Congregation for Catholic Education, prepared in collaboration with the Pontifical Commission for the Pastoral Care of Migrations, directed to all diocesan bishops and rectors of

¹ The number of people on the move today is over 50 million. The picture of human mobility includes refugees (between 14 and 18 million), voyagers at sea (12 million), nomads (18 million), the hundreds of thousands of students, the stream of air travellers, the enormous mass of tourists who every year move from place to place not only within their own country but also from one nation or continent to another.

Included in this great circuit of human mobility are those people who for reasons of work or of office move from one city to another and remain for days and entire weeks away from their family and community. If to these, finally, are added those who by relationship are involved, human mobility is becoming a “general destiny” (*Chiesa e mobilità umana*, 4).

² With increasing concern the Church is dealing with the problems of human mobility in general and with migrations in particular. Of the numerous documents on this subject issued by the Church in recent decades, it is opportune to mention the principal ones: the Apostolic Constitution *Exsul Familia* (1952), the Motu Proprio *Pastoralis Migratorum Cura* (1969), the Letter to the Conferences of Bishops *Chiesa e mobilità umana* (1978), the Decree *Pro Matema* (1982). The principal directives of the documents cited have been adopted into the new *Code of Canon Law* (1983).

Not to be forgotten are frequent, urgent reminders of the Holy Father. John Paul II (“On the Move,” n. 40). A good practical text is the Enchiridion *Chiesa e mobilità umana* – Documents of the Holy See from 1883 to 1983, compiled by the Pontifical Commission for Migrations and Tourism. As the lengthy title indicates, the book collects in over a thousand pages all the documents issued by the Pontifical Magisterium on all aspects of human mobility (migrations, refugees, sea voyagers, nomads, tourists, etc.) during the past one hundred years.

seminaries. Human mobility is today an ordinary dimension of civil and ecclesial society. Future priests must take this into consideration in the development of their pastoral activity; therefore in their formative curriculum they must study ecclesiastical courses with an eye to the needs of the persons who are involved in this mobility.

6. The situation has repercussions, obviously, in the field of the apostolate of religious institutes.³

Some institutes have for their specific purpose the pastoral care of migrants and refugees. Others have undertaken this commitment by assigning some of their members, on a separate basis, full time or part time, to this apostolate. All institutes, however, are invited not only to be generous in designating some religious to this specific work, but also to keep in mind in their ordinary pastoral activity this dimension of human mobility.

Among the members of the institutes there are often those who received a diversified formation, who come from various nations and distant places of the apostolate. The institutes can avail themselves of the work of priests or collaborators, specifically prepared, who can quite easily be transferred to various places. For this reason, such institutes are in a position to provide the greatest assistance to migrants. "The apostolate in migration is open indiscriminately to all religious and secular institutes; all are called and exhorted to make their contribution by undertaking some work or by making members available" (*Chiesa e mobilita umana*, II parte, II, n. 7).

7. a) Religious institutes, dedicated to the various forms of the apostolate, and societies of apostolic life, arisen as a gift of the Spirit to the Church, have the duty to carry out pastoral activity by mandate of the Church, in the name of the Church, and in communion with the Church.

b) Although their apostolate is performed in a particular church, they are at the service of the universal Church. In fact, their action is an expression of the catholicity to which every particular church by nature is called.

c) Religious realize this dimension of catholicity within the particular church by exercising their apostolate in fidelity to their own purpose. They act as a religious community according to their own charism and spirituality within their own structures.

8. The call to religious, however, to become engaged particularly in the

³ In the pastoral activity for migrants, religious have always had a preeminent role. In the past and at present, the Church has greatly relied on their contribution in the pastoral care of people involved in human mobility. Concerning this matter one may refer to the following numbers of documents mentioned in note 2:

a) *De Pastoralis Migratorum Cura*, nn. 2110-2121.

b) Lettera "*Chiesa e mobilita umana*," nn. 2464, 2472-2474.

c) *Allocutio di Giovanni Paolo II*, n. 2831-2836. (The numbers refer to the Enchiridion *Chiesa e mobilita umana* - Documenti della Santa Sede dal 1883 al 1983.)

apostolate for migrants and refugees is not based only on practical motives: their better aptitude to carry out a front-line apostolate, such as is required for a given category of persons, the greater assortment of personnel, and the broader availability of structures.

The appeal is deeply motivated by a sort of correspondence between the expectations of these people uprooted from their land and the pastoral dimension of religious life. These are the expectations, often unexpressed, of the poor deprived of security, of the marginated, frustrated in their desire for fraternity and community, of the abandoned in their precarious condition, deprived of rights. Solidarity, shown by one who has voluntarily chosen to live poor, chaste and obedient, solidarity toward these persons, besides being a material support in their difficult circumstances, is also a witness, capable of awakening hope and making it effective in such sad situations.

9. In this field, particularly outstanding is the role that the Apostolic Exhortation *Evangelii Nuntiandi* assigns to religious: “By their lives they are a sign of total availability to God, the Church and the brethren. As such they have a special importance in the context of the witness which, as we have said, is of prime importance in evangelization. At the same time as being a challenge to the world and to the Church herself, this silent witness of poverty and abnegation, of purity and sincerity, of self-sacrifice in obedience, can become an eloquent witness capable of touching also non-Christians who have good will and are sensitive to certain values” (69).

10. Moved by Vatican Council II to return to the spirit of their origins, many religious institutes have reaffirmed their preferential choice for the most poor and marginated. This choice has brought the institutes to direct their attention to the populations of countries in development or to the marginated in the great Western metropolises. If one considers the places of origin of the migrants and refugees and their condition within society, it is readily apparent that these persons have full right to be included in the preferential choice made in the spirit of the institute.

The preferential choice of the last can be realized by receiving the migrants and refugees without the need of a special transfer of personnel nor structural changes. In any sector of their pastoral activity, no matter what the specific purpose of the institute may be, religious can give their apostolate a dimension of human mobility, or better, keep that dimension in mind. This can be done without the danger of betraying their specific purpose and their charism. It is not a question of abandoning the field of their own activity, but of carrying on this same activity among migrants and refugees by adapting it to their particular conditions. In fact, each institute can realize its own charism of evangelization, of teaching, of assistance etc., according to its specific characteristic among those who live uprooted from their own country and circumstances of life who need accordingly a definite type of pastoral assistance. One might also say in the present historical

moment, many institutes, especially in the Western world, can give credibility to the preferential choice for the poor by the attention they pay to migrants and refugees.

11. In order that the solicitous petition of the Magisterium and the consideration of the ecclesial character become a matter of conviction and be effective, the superiors general and provincials are invited to adopt the following practical procedures:

- a) to collaborate generously with pastoral workers dedicated to work in the service of migrants and refugees;
- b) to designate a religious to work in this area, and to call upon the community for solidarity and to cooperate with their apostolate;
- c) to place at their disposal, permanently or temporarily, some area in the buildings of the institute;
- d) to emphasize in their letters and encounters with their religious the urgency of the problem of human mobility by citing statistics, and by recalling to their attention the documents of the Church and the word of the Holy Father;
- e) to encourage general and provincial chapters to deal with this question, giving it a privileged priority; and by presenting it as a matter that merits consideration in the courses of updating and of permanent formation;
- f) to endeavor, along the lines of the *Code of Canon Law*, to insert pastoral commitment for people on the move among the articles of the provincial or general directory;
- g) to see to it that libraries and reading rooms are equipped with the documents, studies and periodicals regarding the problems of human mobility; to incite future priests to prepare themselves for the apostolate in the field of human mobility in conformity with the Instruction given by the Congregation for Catholic Education.

The Congregation for Institutes of Consecrated Life and for Societies of Apostolic life, and the Pontifical Commission for the Pastoral Activity in behalf of Migrants and Travellers take pleasure in sending superiors general the present joint document with the intent of indicating to them the actuality and urgency of the problem regarding migrants and refugees. Superiors general are invited to transmit the document in the most opportune manner to the members of their institutes with the exhortation that they become engaged in the pastoral care of migrants and refugees.

May the words of the Holy Father, in a discourse on the theme “marginalized. migrants and refugees in the program of evangelization” to major religious superiors in Europe, be a stimulus and a guide:

The authentic evangelical witness of religious is to be borne to a daily increasing number of non-Christian migrant workers who have come from other countries to Europe in search of better living conditions. It is very important that these poor people find among religious an image of the charity of Christ. It is a new way to promulgate that which in other times the missionaries of preceding generations accomplished. The educative and social activity of the institutes according to their charism recognized by the Church is always actual, especially if the religious give preference to the poor, the marginated, the migrants, the refugees, etc. Their effort in this direction is more than ever a necessity for evangelization, since it is a visible manifestation of the love of God for man (*On the Move*, n. 40, p. 340).

We implore abundant heavenly blessings on these institutes.

Cong. for Rel. and Sec. Inst. and Pont. Comm. for Apostolate of Migrations and Tourism, no date, instruction regarding pastoral commitment for migrants and refugees, *Consecrated Life* 14(1989): 288-293.

Migration:

John Paul II, 15 August 1986, message to Catholic clergy and faithful for the World Day of the Migrant, *TPS* 31 (1986): 354-360.

John Paul II, no date, address to National Congress on Migration, *TPS* 34 (1989): 84-86.

John Paul II, 26 October 1989, address to Pont. Council for the Pastoral Care of Migrants and Itinerant People. *TPS* 35 (1990): 113-116.

John Paul II, 5 July 1990, speech to International Migration Commission, *TPS* 36 (1991): 7-10.

CANON 569

Spiritual Care of the Military, 21 April 1986. AAS 78 (1986): 481-486.

Introduction

The Church has always desired to provide with praiseworthy concern, and in a manner suited to the various needs, for the spiritual care of military people.

They constitute, as a matter of fact, a particular social body, and “on account of the special nature of their life,” whether they belong permanently to the armed forces by virtue of voluntary enrollment, or are called up temporarily by law, they have need of a concrete and specific form of pastoral assistance. With the passage

¹ *CD* n. 43.

of time the bishops, and especially the Holy Father himself, mindful of their role of service, of *diakonia*² have made provision, in individual cases, in the best possible way, for a jurisdictional structure which would best correspond with the persons and circumstances involved. Thus, little by little, ecclesiastical structures were set up in individual countries and in each case a prelate was placed in charge and endowed with the necessary faculties?

The Sacred Consistorial Congregation issued wise norms in this matter with the Instruction, *Sollemne semper*, 23 April 1951.³ Now, however, it must be said that the time has come to revise these norms so that they may have greater impetus and efficacy. Leading to this above all is the Second Vatican Council which opened the way to bringing about most suitable particular pastoral initiatives⁴ and gave close attention to the role of the Church in the world today, especially in all that regards the promotion of peace throughout the whole world. In this context those who give military service must be considered “custodians of the security and freedom of their fellow citizens,” and indeed, “when they carry out their duty properly, they are contributing to the maintenance of peace.”⁵

This new step forward is also made advisable by the major changes which have come about not alone as regards the military profession and way of life, but also in the popular understanding in society today of the nature and duties of the armed forces in relation to the reality of human living. Finally, the promulgation of the new *Code of Canon Law* also demands this new move. The code indeed leaves unchanged the existing norms referring to the pastoral care of military personnel, but it is nevertheless opportune to review the situation today so that more abundant fruits may be drawn from them, balanced and adequate as they are in their content.

Norms of this kind, it is true, cannot be identical for all countries, since, neither absolutely nor relatively speaking, is there an equal number of Catholics involved in military service, and the circumstances differ from place to place.

It is opportune then that certain general norms be established which will be valid for all Military Ordinariates – formerly called Military Vicariates – to be later supplemented, in the context of the same general law, by statutes issued by the Holy See for each Ordinate.

The following norms are therefore established:

² Cf. *LG* n. 24.

³ These prelates were sometimes constituted “as if [they were] the true prelates and pastors in regard to their secular clergy” (Innocent X, Brief *Cum sicut maiestatis*, 26-09-1645. *Bullarium Romanum*, t. XV. Augustæ Taurinorum. A. Vecco, 1868, p. 410).

⁴ AAS 43 (1951): 562-565; *CLD* 3 (1942-1953): 113-117.

⁵ Cf. *PO*n. 10.

⁶ *GS* n. 79.

⁷ Cf. c. 569.

I. 1. The Military Ordinariates, which may also be called Army Ordinariates, and are juridically comparable to dioceses, are special ecclesiastical districts, governed by proper statutes issued by the Apostolic See, in which will be determined in greater detail the prescriptions of the present constitution; agreements between the Holy See and various States are, where they exist, still valid.⁸

2. Where circumstances warrant it, after consultation with the Bishops' Conferences concerned, new Military Ordinariates will be erected by the Apostolic See.

II. 1. In charge of a Military Ordinariate is placed an Ordinary as its proper authority: he will normally be a bishop, enjoying all the rights and being bound by the obligations of diocesan bishops, unless the nature of things or particular statutes require otherwise.

2. The Supreme Pontiff freely nominates the Military Ordinary, or institutes or confirms the candidate legitimately designated.⁹

3. In order that he may apply himself fully to this special pastoral mission, the Military Ordinary will normally be free of other duties which involve care of souls, unless the particular needs of a country require otherwise.

4. Between the Military Ordinariate and the other particular Churches there should be a close bond of communion and the coordination of forces in pastoral action.

III. The Military Ordinary belongs by right to the Conference of Bishops of the country in which the Ordinariate is situated.

IV. The jurisdiction of the Military Ordinary is:

1° personal, in such manner that it can be exercised in regard to the persons who form part of the Ordinariate, even if at times they are beyond the national boundaries;

2° ordinary, both in the internal and external forums;

3° proper, but additional to the jurisdiction of the diocesan bishop, because the persons belonging to the Ordinariate do not cease to be the faithful of that particular Church of which they are members by reason of domicile or rite.

V. The areas and places reserved to military personnel fall firstly and chiefly under the jurisdiction of the Military Ordinary; but also, in a secondary way under that of the diocesan bishop, whenever, that is, the Military Ordinary and his chaplains are not present; in such a case both the diocesan bishop and the parish priest act in their own right.

• Cf. c. 3.

♦ Cf. cc. 163 and 377, §1.

VI. 1. Besides those considered in nos. 3-4 below, the presbyterate of the Army Ordinariate is formed by those priests, both secular and religious, who, endowed with the necessary gifts for carrying out fruitfully this special pastoral ministry, and with the consent of their own Ordinary, give service in the Military Ordinariate.

2. Diocesan bishops and the competent religious superiors should give the Army Ordinariate an adequate number of priests and deacons suitable for this mission.

3. The Military Ordinary can with the approval of the Holy See erect a seminary and promote its alumni to holy orders in the Ordinariate once they have completed the specific spiritual and pastoral formation.

4. Other clerics also may be incardinated, according to the norm of law, into the Army Ordinariate.

5. The council of priests should have its own statutes, approved by the Ordinary, taking into account the norms issued by the Conference of Bishops.¹⁰¹¹

VII. In the sphere assigned to them and in regard to the persons committed to their care, priests who are appointed as chaplains in the Ordinariate enjoy the rights and are bound to the duties of parish priests, unless the nature of things or particular statutes dictate otherwise: cumulatively, however, with the parish priest of the place, as in art. IV above.

VIII. As regards religious and members of societies of apostolic life who give service in the Ordinariate, the Ordinary should concern himself to see that they persevere in their fidelity to their vocation and the charism of their own institute, and maintain close relations with their superiors.

IX. Since all the faithful ought to cooperate in building up the Body of Christ,¹⁰ the Ordinary and his presbyterate should be concerned that the faithful laity of the Ordinariate, both on the personal level and working together, play their part as an apostolic leaven, and also as a missionary force among their fellow soldiers with whom they live.

X. Besides those indicated in the statutes, according to art. I, the following belong to the Military Ordinariate, and come under its jurisdiction:

10 the faithful who are military persons, as well as those who are at the service of the armed forces provided that they are bound to this by civil laws;

2° all the members of their families, wives and children, even those who, though independent, live in the same house, as well as relatives and servants who also live with them in the same house;

¹⁰ Cf. c. 496.

¹¹ Cf. c. 208.

3° those who attend military training schools, or who live or work in military hospitals, hospices for the elderly, or similar institutions;

4° all the faithful, both men and women, whether or not they are members of a religious institute, who carry out in a permanent way a task committed to them by the Military Ordinary, or with his consent.

XI. The Military Ordinary is subject to the Congregation for Bishops or to the Congregation for the Evangelization of Peoples, and deals with the competent departments of the Roman Curia according to the diversity of cases.

XII. Every five years the Military Ordinary will present a report to the Holy See on the affairs of the Ordinariate, according to the prescribed formula. He is also obliged to make the *ad limina* visit as prescribed by law.¹²

XIII. The following details, among others, shall be determined in the special statutes, without prejudice to agreements, where such exist, between the Holy See and particular countries:

1° the place where the church of the Military Ordinary and his curia will be set up;

2° whether there should be one or more vicars general and what other curial officials should be appointed;

3° whatever refers to the ecclesiastical status of the Military Ordinary and of the other priests and deacons attached to the Military Ordinariate during their term of office, and at the moment of leaving the service, as well as the prescriptions to be safeguarded in regard to their military situation;

4° what provision is to be made in the case of vacancy or when the Ordinary is impeded from exercising his office;

5° whatever needs to be said concerning the pastoral council whether of the whole Ordinariate or of a local council, account being taken of the norms of the *Code of Canon Law*,

6° what books are to be kept, whether for the administration of the sacraments or for personal records according to universal legislation and the prescriptions of the Conference of Bishops.

XIV. Regarding the judicial cases of the faithful of the Military Ordinariate, the tribunal of the diocese in which the curia of the Military Ordinariate has its seat is competent in the first instance; the appeals tribunal will be permanently designated in the statutes. If the Ordinariate has its own tribunal then the appeals will be made to the tribunal which, with the consent of the Holy See, the Military

« Cf cc 399 and 400. §§1-2; cf. S. Consistorial Congr.. Decree *Ad sacra limina*, 28-02-1959, AAS 51 (1959): 272-274; *CLD* 5 (1958-1962): 332-333.

Ordinary will have designated in a fixed manner.”

The prescriptions of this Our Constitution will come into force on 21 July of the current year. The norms of particular law will remain in force in so far as they are in accordance with this Apostolic Constitution. The statutes of each Army Ordinariate drawn up in accordance with art. I will have to be submitted to the Holy See for examination within a year following the date mentioned.

We desire that these our dispositions and norms be valid now and in the future, notwithstanding, should it be necessary, apostolic constitutions and ordinances issued by Our predecessors, or any other prescriptions even those requiring special mention or derogation.

Given at Rome, at St. Peter’s, 21 April of the year 1986, the eighth of Our Pontificate.

John Paul II, 21 April 1986, apostolic constitution. *Spiritual Care of the Military*, AAS 78 (1986): 481-486; TPS 31 (1986): 284-288. Edited text provided by Michel Theriault of the Faculty of Canon Law, St. Paul University, Ottawa, Canada.

John Paul II, 21 June 1986, address to members of military Ordinariates, TPS 31 (1986): 289-291.

CANON 576

Directives on Religious Formation, 2 February 1990. AAS 82 (1990) 470-532.

Introduction

The Purpose of Religious Formation

1. The proper renewal of religious institutes depends chiefly on the formation of their members. Religious life brings together disciples of Christ who should be assisted in accepting “this gift of God which the church has received from her Lord and which by his grace she always safeguards.”¹ This is why the best forms of adaptation will only bear fruit if they are animated by a profound spiritual renewal. The formation of candidates, which has as its immediate end that of introducing them to religious life and making them aware of its specific character within the church, will primarily aim at assisting men and women religious realize their unity of life in Christ through the Spirit by means of the harmonious fusion of its spiritual, apostolic, doctrinal and practical elements.²

¹ Cf. c. 1438, 2E.
² *Lumen gentium*, 43.
² Cf. *Perfectae Caritatis*, 18.3.

A Constant Concern

2. Well before the Second Vatican Council, the church was concerned about the formation of religious.¹ The council, in its turn, gave doctrinal principles and general norms in Chapter 6 of the dogmatic constitution *Lumen gentium* and in the decree *Perfectae Caritatis*. Pope Paul VI, for his part, reminded religious that, whatever the variety of ways of life and of charisms, all the elements of a religious life should be directed toward the building up of “the inner man.”⁴ Our Holy Father John Paul II, from the beginning of his pontificate and in numerous discourses which he has given, has frequently taken up the matter of religious formation.⁵ Finally, the *Code of Canon Law* has undertaken to indicate in more precise norms the exigencies required for a suitable renewal of formation.⁶

Postconciliar Activities of the Congregation

3. In 1969, the congregation, in the instruction *Renovationis Causam*, expanded certain canonical dispositions then in force in order “to make a better adaptation of the entire formation cycle to the mentality of younger generations and modern living conditions, as also to the present demands of the apostolate while remaining faithful to the nature and the special aim of each institute.”⁷

Other documents published later by the dicastery even though they do not bear directly on religious formation still touch it under one or another aspect. These are “Mutual Relations” in 1978,⁸ “Religious and Human Promotion” and “The Contemplative Dimension of Religious Life” in 1980⁹ and “The Essential Elements of the Teaching of the Church on Religious Life” in 1983.¹⁰ It will be useful to refer to these different documents, since the formation of religious must be given in complete harmony with the pastoral directions of the universal church and of particular churches and in order to assist in the integration of “interiority and

¹ In chronological order. Congregation for Religious, decree *Quo Efficacius*, Jan. 24, 1944; circular letter *Quantum Conferat*, June 10, 1944, No. 382; apostolic constitution *Sedes Sapientiae*, May 31, 1956, and the general statutes annexed to the constitution.

⁴ Paul VI, *Evangelica Testificatio*, 32; 2 Cor 4:16; Rom 7:22; Eph 4:24; *Ench. Vat.*, 996ff.

⁵ John Paul II in Porto Alegre, July 5, 1980; in Bergamo, April 26, 1981; in Manila, Feb. 17, 1981; to the Jesuits in Rome, Feb. 27, 1982; to the Capuchin masters of novices in Rome, Sept. 28, 1984; in Lima Feb. 1, 1985; to the International Union of Superiors General in Rome, May 7, 1985; in Bombay, Feb. 10, 1986; to the international Union of Superiors General, May 22, 1986; to the Conference of Religious of Brazil, July 2, 1986.

⁶ Cf. cc. 641-661.

⁷ Congregation for Religious, instruction *Renovationis Causam* (1969), Introduction.

⁸ Congregations for religious and for bishops. 1978.

⁹ Congregation for Religious.

¹⁰ Ibid.

activity” in the lives of men and women religious dedicated to the apostolate.¹¹ Activity “for the Lord” will thus not fail to lead them to the Lord, the “source of all activity.”¹²

The Reason for This Document and to Whom It Is Directed

4. The Congregation for Institutes of Consecrated Life and Societies of Apostolic Life deems it useful, and even necessary, to address this present document to major superiors of religious institutes and to their brothers and sisters charged with formation, including monks and nuns, all the more so since many of them have requested it. It does so in virtue of its mission of giving guidance to institutes. This can help them to elaborate their own programs of formation (*ratio*) as they are obliged to do by the general law of the church.¹³ On the other hand, men and women religious have the right to know the position of the Holy See on the present problems of formation and the solutions which it suggests for resolving them. The document has been enriched by the numerous experiences which have been made since the Second Vatican Council, and it treats questions frequently raised by major superiors. It reminds all of certain requirements of the law with respect to present circumstances and needs. It hopes, finally, to be of special help to institutes which are coming into existence and to those which at this time have few means of formation and information at their disposal.

5. The document is concerned only with religious institutes. It deals with what is most specific in religious life, and it gives only one chapter to the requirements necessary for approaching the diaconate and priesthood. These have been the object of exhaustive instructions on the part of the competent dicastery, which instructions are also pertinent to religious who are to be ordained for these ministries.¹⁴ The document tries to give valuable directions for the religious life in its entirety. Each institute will have to make use of them according to its own proper character.

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The contents of the document apply to both sexes except where it is obvious from the context and from the nature of things that it does not.¹⁵

I. Religious Consecration and Formation

6. The primary end of formation is to permit candidates to the religious life and young professed first to discover and later to assimilate and deepen that in which

¹¹ ‘The Contemplative Dimension of Religious Life,’ 4.

¹² John Paul II to the Congregation for Religious and Secular Institutes. March 7, 1980.

¹³ Cf. cc. 659, §§2-3.

¹⁴ Congregation for Catholic Education, *Ratio Institutionis* (1970), Nos. 1-2.

¹⁵ Cf. c. 606.

religious identity consists. Only under these conditions will the person dedicated to God be inserted into the world as a significant, effective and faithful witness.¹⁶ It is consequently proper to recall at the beginning of a document on formation what the grace of a consecrated religious life represents for the church.

Religious and Consecrated Life According to the Doctrine of the Church

7. “Religious life, as a consecration of the whole person, manifests in the church a wonderful marriage brought about by God, a sign of the future age. Thus religious bring to perfection their full gift as a sacrifice offered to God by which their whole existence becomes a continuous worship of God in love.”

“Life consecrated by the profession of the evangelical counsels” – of which religious life is a species – “is a stable form of living by which faithful, following Christ more closely under the action of the Holy Spirit, are totally dedicated to God, who is loved most of all, so that having dedicated themselves to his honor, the upbuilding of the church and the salvation of the world by a new and special title, they strive for the perfection of charity in service to the kingdom of God, and having become an outstanding sign in the church, they may foretell the heavenly glory.”¹⁷

“Christian faithful who profess the evangelical counsels of chastity, poverty and obedience by vows or other sacred bonds, according to the proper laws of institutes, freely assume this form of living in institutes of consecrated life canonically erected by competent church authority and through the charity to which these counsels lead they are joined to the church and its mystery, in a special way.”¹⁸

A Divine Vocation for a Mission of Salvation

8. At the origin of the religious consecration there is a call of God for which there is no explanation apart from the love which he bears for the person whom he calls. This love is absolutely gratuitous, personal and unique. It embraces the person to the extent that one no longer pertains to oneself but to Christ.¹⁹ It thus reflects the character of an alliance. The glance which Jesus turned toward the rich young man has this characteristic: “Looking on him, he loved him” (Mk 10:21). The gift of the Spirit signifies and expresses it. This gift invites the person whom God calls to follow Christ through the practice and profession of the evangelical counsels of chastity, poverty and obedience. This is “a gift of God which the

¹⁶ Cf. John Paul II to International Union of Superiors General, May 7, 1985.

¹⁷ Canons 607, 573. §1; cf. *Lumen gentium*, 44 and *Perfectae Caritatis*, 1.5-6.

¹⁸ C. 573. 52.

¹⁹ Cf. ICOT 6:19.

church has received from her Lord and which by his grace she always safeguards !' And this is why "the final norm of the religious life" will be "the following of Christ as it is put before us in the Gospel."²⁰

A Personal Response

9. The call of Christ, which is the expression of a redemptive love, "embraces the whole person, soul and body, whether man or woman, in that person's unique and unrepeatable personal 'I'."²² It "assumes, in the soul of the person called, the actual form of the profession of the evangelical counsels."²³ Under this form, those who are called by God give a response of love in their turn to Christ, their redeemer: a love which is given entirely and without reserve and which loses itself in the offering of the whole person as "a loving sacrifice, holy, pleasing unto God" (Rom 12:1). Only this love, which is of a nuptial character and engages all the affectivity of one's person, can motivate and support the privations and trials which one who wishes "to lose his life" necessarily encounters for Christ and for the Gospel (cf. Mk 8:35).²⁴ This personal response is an integrating part of the religious consecration.

Religious Profession: An Act of the Church Which Consecrates and Incorporates

10. According to the teaching of the church, "by religious profession members assume by public vow the observance of the three evangelical counsels, are consecrated to God through the ministry of the church and are incorporated into the institute with rights and duties defined by law."²⁵ In the act of religious profession, which is an act of the church through the authority of the one who receives the vows, the action of God and the response of the person are brought together.²⁶ This

²⁰ *Lumen gentium*, 43.

²¹ *Perfectae Caritatis*, 2a. On the divine vocation, see also *Lumen Gentium*, 39.43b. 44a. 47; *Perfectae Caritatis*, 1c, *Renovationis Causam*, Preface, 2d; Congregation for Divine Worship. Order of Religious Profession, 1. 57, 62, 67, 85, 140, 142; II, 65, 72; Appendix; *ibid.* Order for the Consecration of a Virgin, 17. 20; *Evangelica Testificatio*, 3. 6. 8, 12, 19. 31, 55; congregations for religious and for bishops. "Directives for the Mutual Relations Between Bishops and Religious in the Church," 8f; cc 574, §2; 575; Congregation for Religious. "Essential Elements in the Church's Teaching on Religious Life as Applied to Institutes Dedicated to Works of the Apostolate" (1983), 2. 5, 6. 7. 12, 14. 23. 44, 53; John Paul II, apostolic exhortation *Redemptionis Donum* (1984), 3c. 6b, 7d. 10c. 16a.

Redemptionis Donum, 3.

²² *Ibid.*, 8.

²³ On the personal response, see also *Lumen Gentium*, 44a; 46b; 47; *Perfectae Caritatis*, 1e. *Renovationis Causam*, 2a, c; 13.1; Order of Religious Profession. 1,7. 80; *Evangelica Testificatio*. 1, 4,7.8,31 ; canon 573, §1; "Essential Elements," 4, 5, 30, 44; 44-9; *Redemptionis Donum*, 1a, 8b, 9b.

²⁵ Canon 654.

²⁶ Cf. "Essential Elements," 13-17.

act incorporates one into an institute. The members there “live a life in common as brothers or sisters,”²⁷ and the institute assures them the help of “a stable and more solidly based way of Christian life. They receive well-proven teaching on seeking after perfection. They are bound together in brotherly communion in the army of Christ. Their Christian freedom is fortified by obedience. Thus they are enabled to live securely and to maintain faithfully the religious life to which they have pledged themselves. Rejoicing in spirit, they advance on the road of love.”²⁸

The fact that religious belong to an institute causes them to give to Christ and to the church a public witness of separation with regard to “the spirit of the world” (1 Cor 2:12) and to the behavior which it involves, and at the same time of a presence to the world in keeping with the “wisdom of God” (1 Cor 2:7).

A Life According to the Evangelical Counsels

11. “Religious profession places in the heart of each one of you ... the love of the Father: that love which is in the heart of Jesus Christ, the redeemer of the world. It is love which embraces the world and everything in it that comes from the Father, and which at the same time tends to overcome in the world everything that ‘does not come from the Father’.”²⁹ Such a love should fill each of you ... from the very source of that particular consecration which – on the sacramental basis of holy baptism – is the beginning of your new life in Christ and in the church: It is the beginning of the new creation.”³⁰

12. Faith, hope and charity enable religious, by means of their vows, to practice and profess the three evangelical counsels and thus to give “outstanding and striking testimony that the world cannot be transformed and offered to God without the spirit of the Beatitudes.”³¹

The counsels are, as it were, the main support of the religious life, since they express in a significant and complete way the evangelical radicalism which characterizes it. In effect, through the profession of the evangelical counsels made in the church, the religious wishes “to be set free from hindrances that could hold him back from loving God ardently and worshiping him perfectly and ... to consecrate himself in a more thoroughgoing way to the service of God.”³²

²⁷ Canon 607, §2.

^a *Lumen gentium*, 43a. On the ministry of the church in the religious consecration, see also *Lumen gentium* 44a, 45c; *Perfectae Caritatis* 1 be, 5b. 1 la. Order of Religious Profession, Appendix, Mass on Day of Perpetual Profession. 1; Rite of Profession, 5; Order for the Consecration of a Virgin. 16; *Evangelica Testificatio*. 7.47; “Mutual Relations,” 8a. Canons 573, §2; 576; 598; 600-602; “Essential Elements,” 7, 8. 11, 13, 40, 42. *Redemptionis Donum*, 7ab, 14c.

[”] *Redemptionis Donum*, 9.

⁵⁰ *Ibid.*, 8.

[”] *Lumen gentium*, 31.

^K *Ibid.*, 44.

These touch the human person at the level of the three essential spheres of his existence and relationships: affectively, possession and power. This anthropological uprooting explains why the spiritual tradition of the church has frequently put them in relation with the three lusts spoken of by St. John.³³ The faithful exercise of them fosters the development of the person, spiritual freedom, purification of the heart, fervor of charity, and it helps a religious to cooperate in the construction of human society.³⁴

The counsels lived in as authentic a manner as possible, have a great significance for all people,³⁵ for each vow gives a specific response to the great temptations of our time. Through them, the church continues to show the world the ways for its transfiguration into the kingdom of God.

It is therefore important that attentive care should be taken to initiate candidates for the religious life theoretically and practically into the concrete exigencies of the three vows.

Chastity

13. "The evangelical counsel of chastity assumed for the sake of the kingdom of heaven as a sign of the future world and a source of more abundant fruitfulness in an undivided heart entails the obligation of perfect continence in celibacy."³⁶ Its practice assumes that persons consecrated by the vows of religion place at the center of their affective life a "more immediate" relationship (*Evangelica Testificatio*, 13) with God through Christ, in the Spirit.

"The observance of perfect continence touches intimately the deeper inclinations of human nature. For this reason, candidates ought not to go forward nor should they be admitted to the profession of chastity except after really adequate testing and unless they are sufficiently mature, psychologically and affectively. Not only should they be warned against the dangers to chastity which they may encounter, they should be taught to see that the celibacy they have dedicated to God is beneficial to their whole personality."³⁷

An instinctive tendency of the human person leads to making an absolute out of human love. It is a tendency characterized by self-centeredness, which asserts itself through a domination over the person loved as if happiness could be secured from this possession. On the other hand, one finds it very difficult to understand and especially to realize that love can be lived in a total dedication of oneself, without necessarily requiring a sexual manifestation of it. Education for chastity

³³ Cf. 1 Jn 2:15-17.

³⁴ Cf. *Lumen gentium*, 46.

³⁵ Cf. *ibid.* 39, 42, 43.

³⁶ Canon 599.

³⁷ *Perfectae Caritatis*, 12.

will therefore aim at helping each one to control and to master his or her sexual impulses, while at the same time it will avoid a self-centeredness that is content with one's fidelity to purity. It is no accident that the ancient fathers gave priority to humility over chastity, since this latter can be accompanied, as experience has shown, by a hardness of heart.

Chastity frees the human heart in a remarkable manner (1 Cor 7:32-35), so that it burns with a love for God and for all people. One of the greatest contributions which religious can bring to humanity today is certainly that of revealing, by their life more than by their words, the possibility of a true dedication to and openness toward others, in sharing their joys, in being faithful and constant in love without a thought of domination or exclusiveness.

The pedagogy of consecrated chastity will consequently aim at:

- Preserving joy and thanksgiving for the personal love in which each one is held and is chosen by Christ.
- Encouraging frequent reception of the sacrament of reconciliation, recourse to regular spiritual direction and the sharing of a truly sisterly or brotherly love within the community which is brought about by frank and cordial relationships.
- Explaining the value of the body and its meaning, acquiring an elementary physical hygiene (sleep, exercise, relaxation, nourishment, etc.).
- Giving basic notions on masculine and feminine sexuality, with their physical, psychological and spiritual connotations.
- Helping in matters of self-control on the sexual and affective level but also with respect to other instinctive or acquired needs (sweets, tobacco, alcohol).
- Helping each one to profit by past personal experiences, whether positive, in order to give thanks for them, or negative, in order to be aware of one's weaknesses, in order to humble oneself peacefully before God and to remain vigilant for the future.
- Manifesting the fruitfulness of chastity, its spiritual fecundity (Gal 4:19), which begets life for the church.
- Creating a climate of confidence between religious and their instructors, who should be ready to listen to whatever they have to say and to hear them with affection in order to enlighten and encourage them.
- Helping them to act with prudence in the use of the communications media and in personal relationships which may present an obstacle to a consistent practice of the counsel of chastity (cf. cc. 277, §2 and 666). It remains the responsibility not only of the religious to exercise this prudence, but also of their superiors.

14. “The evangelical counsel of poverty in imitation of Christ who, although he was rich became poor for us, entails, besides a life which is poor in fact and in spirit, a life of labor lived in moderation and foreign to earthly riches, a dependence and a limitation in the use and disposition of goods according to the norm of the proper law of each institute.”³⁸

Sensibility to poverty is nothing new either in the church or in the religious life. What is perhaps new is a particular sensibility for the poor and for the poverty that exists in the world which characterizes religious life today. There exist today types of poverty on a large scale that are either experienced by individuals or endured by entire groups: hunger, ignorance, sickness, unemployment, the repression of basic liberties, economic and political dependence, corruption in the carrying out of offices, especially the fact that human society seems organized in a way which produces and reproduces these different kinds of poverties, etc.

In these conditions, religious are thrust into a closer proximity with respect to the most needy and impoverished, the same who were always preferred by Jesus and to whom he said that he had been sent³⁹ and with whom he identified.⁴⁰ This proximity leads them to adopt a personal and communitarian style of life more in keeping with their commitment to follow more closely the poor and humble Christ.

This “preferential option”⁴¹ and evangelical choice of religious for the poor implies an interior detachment, a certain austerity in community living, a sharing at times in their life and struggles, without however forgetting that the specific mission of a religious is to bear “outstanding and striking testimony that the world cannot be transformed and offered to God without the spirit of the Beatitudes.”⁴²

God loves the whole human family and wishes to bring all together without exclusion.⁴³ For religious it is consequently a kind of poverty not to let themselves be bound within a certain milieu or social class. A study of the social teaching of the church, and particularly that of the encyclical *Sollicitudo Rei Socialis* and of the instruction “On Christian Liberty and Liberation,”⁴⁴ will be of assistance in making the required discernments for a practical actualization of evangelical poverty.

Education to evangelical poverty will be attentive to the following points:

- There are young people who before entering the religious life enjoyed a

M Canon 600.

³⁴ Cf. Lk 4:6-21.

⁴⁰ Cf. *ibid.*, 7:18-23.

⁴¹ Puebla Documents, 733-735.

⁴² John Paul II, *Sollicitudo Rei Socialis*, 41 ; see also *Lumen gentium*, 31.

⁴³ Cf. *Gaudium et spes*, 32.

⁴⁴ Congregation for the Doctrine of the Faith. March 22, 1986.

certain amount of financial independence and were accustomed to obtain by themselves all that they wished. Others find themselves at a higher level of life within a religious community than they had in their childhood or during their years of study or work. Instruction in poverty should take account of the history of each one. It should also be remembered that among certain cultures families expect to gain by what appears to them to be an advance for their children.

– It is of the nature of the virtue of poverty to be engaged in a life of work, in humble and concrete acts of renunciation, of divestiture, which render religious freer for their mission; to admire and respect creation and the material objects placed at their disposal; to depend upon the community for their level of life; to desire faithfully that “all should be in common” and “that to each one is given what is needed” (Acts 4:32, 35).

All this is done with the intent of centering one’s life on the poor Jesus, who is contemplated, loved and followed. Without this, religious poverty, under the form of solidarity and sharing, easily becomes ideological and political. Only one who is poor of heart, who strives to follow the poor Christ, can be the source of an authentic solidarity and a true detachment.

Obedience

15. “The evangelical counsel of obedience, undertaken in a spirit of faith and love in the following of Christ, who was obedient even unto death, requires a submission of the will to legitimate superiors, who stand in the place of God when they command according to the proper constitutions.⁴⁵ Further, all religious “are subject to the supreme authority of (the) church in a special manner” and “are also bound to obey the supreme pontiff as their highest superior by reason of the sacred bond of obedience.”⁴⁶ “Far from lowering the dignity of the human person, religious obedience leads it to maturity by extending the freedom of the sons of God.”⁴⁷

Religious obedience is at once an imitation of Christ and a participation in his mission. It is concerned with doing what Jesus did and at the same time with what he would do in the concrete situation in which a religious finds himself or herself today. Whether one has authority in an institute or not, one cannot either command or obey without reference to mission. When religious obey, they offer this obedience in continuity with the obedience of Jesus for the salvation of the world. This is why everything which in the exercise of authority or obedience indicates a

⁴⁵ Canon 601.

⁴⁶ Canon 590, §§1-2.

⁴⁷ *Perfectae Cantatis*, 14.

compromise, a diplomatic solution, the consequence of pressure or any other kind of temporizing is opposed to the basic inspiration of religious obedience, which is to align oneself with the mission of Jesus and to carry it out in time, even if such an undertaking is difficult.

A superior who promotes dialogue educates to a responsible and active obedience. All the same, it remains for the superiors to use “their own authority to decide and to prescribe what is to be done.”⁴⁸

For the teaching of obedience it should be remembered:

- That to give oneself in obedience it is first necessary to be conscious of one’s existence. Candidates need to leave the anonymity of the technical world, to know themselves as they are and to be known as persons, to be esteemed and loved.
- That these same candidates need to find true liberty in order that they may personally pass from “what pleases them” to “what pleases the Father.” For this, the structures of a formation community, while ever remaining sufficiently clear and solid, will leave ample room for responsible initiatives and decisions.
- That the will of God is expressed most often and pre-eminently through the mediation of the church and its magisterium; and specifically for religious, through their own constitutions.
- That for obtaining obedience, the witness of the elder members in a community has greater influence on the young than any other theoretical consideration. Still, a person who makes the effort to obey as Christ did, and in Christ, can succeed in overcoming less edifying examples.

Education in religious obedience will therefore be given with all the clarity and exigency that is necessary so that one does not wander from the “way,” which is Christ in mission.⁴⁹

Religious Institutes: A Diversity of Gifts to Be Cultivated and Maintained

16. The variety of religious institutes resembles a “widespreading tree” which, beginning with a seed sown by God, “has grown up in the field of the Lord” and multiplied.⁵⁰ Through them the church manifests Christ “to believers and unbelievers alike, Christ in contemplation on the mountain, or proclaiming the kingdom of God to the multitudes, or healing the sick and maimed and converting sinners to a good life or blessing children and doing good to all men, always in

“Ibid., 14.

•Cf. Jn 14:16.

⁵⁰ *Lumen gentium*, 43.

obedience to the will of the Father who sent him.”⁵¹

The variety is explained by the diversity of the “charisms of their founders,”⁵² which “appears as ‘an experience of the Spirit’, transmitted to their disciples to be lived, safeguarded, deepened and constantly developed by them in harmony with the body of Christ continually in the process of growth. ‘It is for this reason that the distinctive character of various religious institutes is preserved and fostered by the church’.”⁵³

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There is thus no uniform way for observing the evangelical counsels, but each institute should define its own way, “keeping in mind its own character and purposes.”⁵⁴ This is true not only with regard to the observance of the counsels, but with respect to all that concerns the style of life of its members in view of tending toward the perfection of their state.”⁵⁵

A Life Unified in the Holy Spirit

17. “Those who make profession of the evangelical counsels should seek and love above all else God, who has first loved us (cf. 1 Jn 4: 10). In all circumstances they should take care to foster a life hidden with Christ in God (cf. Col. 3:3), which is the source and stimulus of love of the neighbor, for the salvation of the world and the building up of the church.”⁵⁶ This love, which orders and vivifies the very practice of the evangelical counsels, is poured out in hearts through the Spirit of God, which is a Spirit of unity, of harmony and of reconciliation not only among persons, but also within the interior of each person.

This is why the personal life of a religious must not become dichotomized between the generic end of religious life and the specific end of the institute; between consecration to God and mission in the world; nor between religious life in itself on the one hand and apostolic activities on the other. There is no religious life existing concretely “by itself” upon which is grafted the specific end and the particular charism of each institute as subordinate additions. In institutes dedicated to the apostolate there is no pursuit of sanctity, profession of the evangelical counsels or life dedicated to God and to his service which is not intrinsically connected with the service of the church and of the world.⁵⁷ Further “apostolic and charitable activity is of the very nature of religious life” to such an extent that “the entire religious life... should be imbued with an apostolic spirit and all apostolic

⁵² Ibid . 46.

⁵¹ *Evangelica Testificatio*, 11 ; cf. Introduction, note 4, above.

⁵³ “Mutual Relations,” 11; cf. Introduction, note 8, above.

M Canon 598, § 1.

⁵⁴ Cf. c. 598, §2.

* *Perfectae Caritatis*, 6.

⁵⁷ Cf. *ibid.* 5.

activity with a religious spirit.”⁵¹ The service of one’s neighbor neither divides nor separates a religious from God. If it is moved by a truly theological charity, this service obtains its value as service of God.⁵⁹

And thus it can truly be said that “the apostolate of all religious consists first in their witness of a consecrated life.”⁶⁰

18. It will be the duty of each one to verify the way in which their activities in their own lives are derived from intimate union with God and, at the same time, confirm and strengthen this union.⁶¹ From this point of view, obedience to the will of God, manifested here and now in the mission received, is the immediate means through which one can secure for oneself a certain unity of life, patiently sought but never fully attained. This obedience is only explained by a resolve to follow Christ more closely, which is itself enlivened and stimulated by a personal love of Christ. This love is the interior principle of unity of all consecrated life.

The proof of a unity of life will be opportunely made in terms of the four great fidelities: fidelity to Christ and the Gospel; fidelity to the church and to its mission in the world; fidelity to religious life and to the charism of one’s own institute, and fidelity to humanity and to our times.⁶²

2. Aspects Common to All Stages of Religious Formation

A. Agents and Environment of Formation

The Spirit of God

19. It is God himself who calls one to a consecrated life within the church. It is God, who all through the course of a religious life, keeps the initiative: “He who has called you is faithful, and he will do it.”⁶³ Just as Jesus was not content to call his disciples, but patiently educated them during his public life, so after his resurrection he continued through his Spirit “to lead them to the fullness of truth.”⁶⁴

The Spirit, whose action is of another order than the findings of psychology or visible history, but who also works through them, acts with great secrecy in the heart of each one of us so as later to be made manifest in fruits that are clearly

⁵¹ Ibid., 8.
* St. Thomas, *Summa Theologica* IIa, IIae, Q. 188; a. 1 and 2.
” Canon 673.
⁶¹ Cf. *Perfectae Caritatis*, 8.
‡ Cf. Congregation for Religious, "Religious and Human Promotion" (1980), Nos. 13-21; cf. Introduction, note 9, above.
° † Thes 5:23-24; 2 Thes 3:3.
MJn 16:13.

visible: The Spirit is the truth who “teaches,” “reminds” and “guides.”⁶⁵ He is the Anointing giving desire, appreciation, judgment, choice.⁶⁶ The Spirit is the consoling advocate who “comes to assist us in our weakness,” sustains us and gives us a filial spirit.⁶⁷ This discreet but decisive presence of the Spirit of God demands two fundamental attitudes: humility, which makes one resign oneself to the wisdom of God, and the knowledge and practice of spiritual discernment. It is, in fact, important to be able to recognize the presence of the Spirit in all the aspects of life and of history, and through human mediation. Among these last must be included openness to a spiritual guide; this openness is prompted by the desire of having a clear knowledge of oneself and by a readiness to let oneself be advised and directed with the intent of correctly discerning the will of God.

The Virgin Mary

20. The work of the Spirit has always been associated with the Virgin Mary, mother of God and mother of all the members of the people of God. It is through the Spirit that she conceived the Word of God in her womb; it was for the Spirit that she awaited with the apostles, persevering in prayer (cf. *Lumen gentium*, 52, 59) following the ascension of the Lord. This is why the presence of the Virgin Mary is encountered by religious from the beginning to the end of their formation.

“Among all persons consecrated unreservedly to God, she is the first. She-the virgin of Nazareth – is also the one most fully consecrated to God, consecrated in the most perfect way. Her spousal love reached its height in the divine motherhood through the power of the Holy Spirit. She, who as mother carries Christ in her arms, at the same time fulfills in the most perfect way his call: ‘Follow me’. And she follows him – she, the mother – as her teacher of chastity, poverty and obedience. ... If the entire church finds in Mary her first model, all the more reason do you find her so – you as consecrated individuals and communities within the church’.” Each religious is invited “to renew your religious consecration according to the model of the consecration of the very mother of God.”⁶⁸

A religious encounters Mary not only under the title of an exemplar, but also under that of a mother. “She is the mother of religious in being mother of him who was consecrated and sent, and in her *fiat* and *magnificat* religious life finds the totality of its surrender to and the thrill of its joy in the consecratory action of God.”⁶⁹

⁶⁵ Cf. Jn 14:26, 16:12.

⁶⁶ Cf. 1 Jn 2:20-27.

⁶⁷ Cf. Rom 8:15-26.

M Redemptionis Donum. 17.

⁶⁸ “Essential Elements.” 11. 53; cf. Introduction, note 10. above; *Lumen gentium*, 53 and c. 663, §4

The Church and the "Sense of Church"

21. Between Mary and the church there are many close bonds. She is its most eminent member, and she is its mother. She is its model in faith, charity and perfect union with Christ. She is a sign of sure hope and of consolation for the church until the coming of the day of the Lord (cf. *Lumen gentium* 53, 63, 68). Religious life is also associated with the mystery of the church by a special bond. It pertains to its life and holiness. It “is a special way of participating in the sacramental nature of the people of God.”⁷⁰ One’s complete gift to God “unites the religious ‘to the church and her mystery in a special way’⁷¹ and urges such a one to work with undivided dedication for the good of the entire body.”⁷² And the church, through the mystery of its pastors, “besides giving legal sanction to the religious form of life and thus raising it to the dignity of a canonical state,... sets it forth liturgically also as a state of consecration to God.”⁷³

22. In the church, religious receive that which nourishes their baptismal life and their religious consecration. In it, they receive the bread of life from the table of the word of God and of the body of Christ. It was actually during the course of a liturgical celebration that St. Anthony, who is rightly deemed to be the father of the religious life, heard the living and efficacious word which led him to leave everything in order to undertake the following of Christ.⁷⁴ It is in the church that the reading of the word of God, accompanied by prayer, establishes the dialogue between God and religious,⁷⁵ encouraging them to high aspirations and necessary renunciations. It is the church which associates the offerings which religious make of their own life with the Eucharistic sacrifice of Christ.⁷⁶ It is through the sacrament of reconciliation celebrated frequently, finally, that they receive, from the mercy of God, pardon for their sins and are reconciled with the church and their own community, which has been wounded by their sins.⁷⁷ The liturgy of the church should thus be for them the summit to which an entire community is tending and the source from which flows its evangelical strength (cf. *Sacrosanctum Concilium*, 2,10).

23. This is why the task of formation is necessarily carried on in communion with the church, of which religious are members, filially obedient to its pastors.

⁷⁰ Cf. *Lumen gentium*, 44.

¹ Mutual Relations," 10, cf. Introduction note 8.

⁷² Ibid.; cf. *Lumen gentium*. 44 and c. 678.

¹ *Lumen gentium*. 45; cf. "Mutual Relations," 8 and introduction, note 8. above.

⁴ Cf. St. Athanasius, Life of St. Anthony, *Pairologia Graeca*, 26: 841-845.

¹ Cf. *Dei Verbum*. 25.

¹ Cf *Lumen gentium*, 45.

Cf. *Lumen gentium*, 11.

The church, “which is filled with the Trinity,”⁷⁸ as Origen says, is a universal communion in charity, according to its image and dependence on its source. It is from her that we receive the Gospel, which she helps us to understand, thanks to her tradition and to the authentic interpretation of the magisterium.⁷⁹ For the communion which is the church is organic?⁸⁰ It remains, thanks to the apostles and to their successors, under the authority of Peter, the “lasting and visible source and foundation of the unity both of faith and of communion.”⁸¹

24. It is therefore necessary to develop among religious “a manner of thinking” not only “with” but, as St. Ignatius of Loyola also says, “within,” the church.⁸² This sense of the church consists in being aware that one belongs to a people on a journey:

- A people which has its source in the Trinitarian communion, which is rooted in human history; which is based upon the foundation of the apostles and upon the pastoral ministry of their successors, and which recognizes in the successor of St. Peter the vicar of Christ and the visible head of the whole church.
- A people which finds in the Scriptures, tradition, and the magisterium, the triple and unique channel through which the word of God comes to it; which longs for a visible unity with other Christian, non-Catholic communities.
- A people which is not unaware of the changes that have occurred through the centuries or of the present legitimate diversities within the church, but which seeks rather to discover the continuity and unity that are all the more real.
- A people which identifies itself as the body of Christ and which does not separate the love for Christ from that which it should have for his church, knowing that it represents a mystery, the very mystery of God in Jesus Christ through his Spirit poured out and communicated to humanity today and for all time.
- A people which, as a consequence, does not accept being perceived or analyzed from a merely sociological or political point of view, since the most authentic part of its life escapes the attention of the wise men of this world.

And, finally, a missionary people, which is not satisfied with seeing the church remain a “little flock,” but is ever seeking to have the Gospel announced to every human being so that the world will know that “there is no other name under heaven given to us whereby we may be saved” (Acts 4:12), except that of Jesus Christ (cf. *Lumen gentium*, 9).⁷¹

⁷¹ *Pairologia Graeca*, 12:1265.

* Cf. *Dei Verbum*, 10.

“ Cf. “Mutual Relations.” 5; cf. Introduction, note 8, above.

“ *Lumen gentium*, 18.

° Spiritual Exercises, 351-352.

25. A sense of church also implies a feeling for ecclesial communion. In virtue of the affinity which exists between religious life and the mystery of a church, “whose unity . . . in communion and service”⁸³ is assured by the Holy Spirit, religious, as “experts in communion,” are “called to be an ecclesial community in the church and in the world, witnesses and architects of the plan for communion which is the crowning point of human history in God’s design.”⁸⁴ This is brought about through the profession of the evangelical counsels, which frees the fervor of charity from every impediment and causes religious to become a prophetic sign of an intimate communion with, God loved above all else; it is also effected through the daily experience of communion of life, prayer and apostolate, essential and distinctive constituents of their form of consecrated life, which makes them signs of fraternal communion.⁸⁵

This is why, especially during the course of initial formation, “life in common, seen especially as an experience and witness of communion,”⁸⁶ will be deemed an indispensable milieu and a pre-eminent means of formation.

The Community

26. At the heart of the church and in communion with the Virgin Mary, community life enjoys a privileged role in formation at every stage. Formation depends to a great extent on the quality of this community. This quality is the result of its general climate and the style of life of its members in conformity with the particular character and spirit of the institute. This means that a community will be what its members make it, that it has its own requirements and that before it can be used as a means of formation, it deserves to be lived and loved for what it is in the religious life, as the church conceives it.

The basic inspiration is obviously the first Christian community, the fruit of the Pasch of the Lord.⁸⁷ But in tending toward this ideal, it is necessary to be aware of its requirements. A humble realism and one’s faith should animate the efforts made during formation toward fraternal life. The community is established and endures not because its members find that they are happy together due to an affinity in thought, character or options, but because the Lord has brought them together and unites them by a common consecration and for a common mission within the church. All adhere to the particular mediation exercised by the superior in an obedience of faith.⁸⁸ Moreover, it should not be forgotten that the paschal peace

⁸³ *Lumen gentium*, 4.

⁸⁴ “Religious and Human Promotion,” 24; cf. Introduction, note 9, above.

⁸⁵ *Ibid.*, cf. also Puebla Documents, 211-219.

⁸⁶ “Religious and Human Promotion,” 33c, cf. Introduction, note 9, above; also c. 602

Cf. Acts 2:42; *Perfeciae Caritatis*, 15; canon 602ff; “Essential Elements,” 18-22.

⁸⁸ Cf. cc. 601, 618-619; *Perfeciae Caritatis*, 14.

and joy of a community are always the fruit of death to self and the reception of the gift of the Spirit.⁸⁹

27. A community is formative to the extent that it permits each one of its members to grow in fidelity to the Lord according to the charism of his or her institute.

To accomplish this, the members must be clear among themselves on why the community exists and on its basic objectives. Their interpersonal relationships will be marked by simplicity and confidence, being based primarily upon faith and charity. Toward this end, the community is formed each day under the action of the Holy Spirit, allowing itself to be judged and converted by the word of God, purified by penance, constructed by the eucharist and vivified by the celebration of the liturgical year. It strengthens its communion by generous mutual assistance and by a continuous exchange of material and spiritual goods in a spirit of poverty and with the help of friendship and dialogue. The community lives the spirit of its founder and the rule of the institute profoundly. Superiors will consider it their particular office to seek to build a community of brothers or sisters in Christ (cf. c. 619). Then each one, aware of his or her responsibility within the community, is moved to grow not only for self, but for the good of all.⁹⁰

Religious in formation should be able to find a spiritual atmosphere, an austerity of life and an apostolic enthusiasm within their community which are conducive to their following Christ according to the radicalism of their consecration.

It is fitting to recall here the words of Pope John Paul II's message to the religious of Brazil: "It will therefore be good that the young, during the period of formation, reside in formative communities where there should be no lack of the conditions required for complete formation: spiritual, intellectual, cultural, liturgical, communitarian and pastoral; conditions which are rarely found together in small communities. It is therefore always indispensable to keep drawing from the pedagogical experience of the church all that can assist and enrich formation in a community suitable to the individuals and to their religious, and in some cases priestly vocation" (*Insegnamenti*, IX, 2 pp. 243-44).

28. Here it is necessary to bring up the problem caused by inserting a religious formation community in a poor milieu. Small religious communities inserted in a working-class district on the periphery of certain large cities or in the inner city or in the more remote or poorer areas of the country can be a significant expression of "the preferential option for the poor," since it is not enough to work for the poor, but there is also the question of living with them and, as far as possible, like them. However, this demand should be modified at times according to the situation in which religious find themselves. First of all, it is necessary to insist as a general

« Cf. Jn 12:24; Gal 5:22.

⁹⁰ *Evangelica Testificatio*, 32-34; cf. Introduction, note 4. above: "Essential Elements," 18-22.

rule that the requirements of formation should prevail over certain apostolic advantages that come from an insertion into a poor milieu. It must be possible to realize and maintain solitude and silence, for example which are indispensable during the whole time of initial formation. On the other hand, the time of formation contains period of apostolic activities where this dimension of religious life can find expression, on condition that these small inserted communities conform to certain criteria which assure their religious authenticity; that is, that they offer the possibility of living a truly religious life in accord with the ends of the institute; that in these communities the life of communal and personal prayer and, consequently, times and places of silence can be maintained; that the motives for the presence of the religious be first of all evangelical; that these communities always be ready to respond to the needs of the superiors of the institute; that their apostolic activity not be primarily a response to a personal choice, but to a choice of the institute, in harmony with the pastoral work of the diocese, for which the bishop is primarily responsible.

It must be remembered, finally that in countries and cultures where hospitality is held in particularly high esteem, a religious community, with regard to times and places, insofar as possible ought to be able to maintain its autonomy and independence with respect to its guests. This is undoubtedly more difficult to realize in religious houses of a modest dimension, but it should always be taken into consideration when a community makes plans for its communitarian life.

The Responsibility of Religious for Their Own Formation

29. It is the individual religious who holds the first responsibility for saying yes to the call which has been received and for accepting all the consequences of this response; this is not primarily in the order of the intellect, but the whole of life. The call and the action of God, like his love, are always new; historical situations are never repeated. The one who is called is therefore invited unceasingly to give an attentive, new and responsible reply. The journey of each religious will recall that the people of God in Exodus and also that slow evolution of the disciples, who were "slow to believe"⁹¹ but who, in the end, were burning with fervor when the risen Lord revealed himself to them.⁹² This indicates the extent to which the formation of a religious should be personalized. It will therefore be a question of strongly appealing to the conscience and personal responsibility of each religious, so that they interiorize the values of religious life and at the same time the role of life which is proposed to them by the director of formation so that they will find within themselves the justification for their practical choices and find in the creator Spirit their fundamental dynamism. Therefore, a right balance must be found

⁹¹ Lk 24:25.

⁹² Cf. Lk 24:32.

between the formation of the group and that of each person, between the respect for the time envisioned for each phase of formation and its adaptation to the rhythm of each individual.

Instructors of Formators (Superiors and Others Responsible for Formation)

30. The spirit of the risen Jesus is made present and active by means of a complex of ecclesial mediations. The whole of the religious tradition of the church attests to the decisive character of the role of teachers for the success of the work of formation. Their role is to discern the authenticity of the call to the religious life in the initial phase of formation and to assist the religious toward a successful personal dialogue with God while they are discovering the ways in which God seems to wish them to advance. They should also accompany religious along the paths of the Lord⁹ by means of direct and regular dialogue, always respecting the proper role of the confessor and spiritual director in the strict sense of the words.

Further, one of the main tasks of those responsible for formation is to ascertain whether the novices and the young professed are being effectively followed by a spiritual director.

Formators should also offer religious solid nourishment, both doctrinal and practical, in keeping with each one's stage of formation. Finally, they should progressively examine and evaluate the progress that is being made by those in their charge, in light of the fruits of the Spirit. They must decide whether the individual called has the capacities which are required at this time by the church and the institute.

31. In addition to a sound knowledge of Catholic faith and morals, "those who are responsible for formation need to have:

- "The human qualities of insight and responsiveness.
- "A certain experiential knowledge of God and of prayer.
- "Wisdom resulting from attentive and prolonged listening to the word of God.
- "Love of the liturgy and understanding of its role in spiritual and ecclesial formation.
- "Necessary cultural competence.
- "Sufficient time and good will to attend to the candidates individually and not just as a group."⁹⁴

Consequently, this office requires inner serenity, availability, patience, understanding and true affection for those who have been confided to the pastoral

» cf. Tb. 5:10.17.22.

« "The Contemplative Dimension" 20; cf. Introduction, note 9, above.

responsibility of the instructor.

32. If there is a group of formators under the personal responsibility of the one who is in charge of formation, the individual members should act in harmony, keenly aware of their common responsibility. Under the direction of the superior, “they should cultivate the closest harmony of spirit and action,” and should form with one another and with those in their charge one united family.⁹⁵ No less necessary is the cohesion and continued collaboration among those responsible for the different stages of formation.

The work of formation as a whole is the fruit of the collaboration between those responsible for formation and their disciples. If it remains true that the disciple assumes a large part of the responsibility for his or her own formation, still this responsibility can only be exercised within a specific tradition, that of the institute, for which those responsible for formation are the witnesses and immediate exponents.

B. The Human and Christian Dimension of Formation

33. In its declaration on Christian education, the Second Vatican Council set forth the aims and means for every true education in the service of the human family. It is important to keep these in mind in the reception and formation of candidates for religious life, since the first requirement for this formation is the ability to identify a human and Christian foundation with a particular person. Numerous failures in religious life can, in effect, be attributed to defects that were not perceived or overcome in this area. Not only should the existence of this human and Christian foundation be verified in one who is entering religious life, but it is necessary to assure that effective adjustments are made all during the period of formation, according to the evolution of the individuals and events.

34. The integral formation of a person has a physical, moral, intellectual and spiritual dimension. Its ends and exigencies are known. The Second Vatican Council gives an account of them in the pastoral constitution *Gaudium et spes* and in the declaration on Christian education *Gravissimum Educationis*. The decree on the formation of priests *Optatam Totius* gives criteria that enable one to judge the level of human maturity required in candidates for the priestly ministry.⁹⁸ These criteria can be easily applied to candidates for religious life, considering its nature and the mission which a religious is called to fill within the church. The decree *Perfectae Caritatis*, on the appropriate renewal of religious life, recalls the

⁹⁴ *Optatam Totius*, 5b.

⁹⁵ Cf. *Gaudium et spes*, 12-22, 61.

⁹⁶ Cf. *Gravissimum Educationis*, 1-2.

⁹⁷ Cf. *Optatam Totius*, 11.

baptismal roots of religious consecration.¹⁷ and, from this fact, it implicitly allows for admission into the novitiate only those candidates who are already living all of their baptismal promises in a manner consistent with their age. Similarly, a good formation for religious life should confirm one's profession of faith and baptismal promises in all stages of life and particularly in its most difficult period, when one is called to freely choose again what was chosen forever.

35. Whatever the insistence placed upon the cultural and intellectual dimensions of formation by this document, the spiritual dimension retains its priority. "The principle purpose of formation at its various stages, initial, and ongoing, is to immerse religious in the experience of God and to help them perfect it gradually in their lives."¹⁰⁰

C. Asceticism

36. "Following in the footsteps of Christ leads to sharing ever more consciously and concretely in the mystery of his passion, of his death and of his resurrection. The paschal mystery should be, as it were, the heart of the programs of formation, insofar as it is a font of life and of maturity. It is on this foundation that the new person is formed, the religious and the apostle.¹⁰¹ This leads us to recall the indispensable need of asceticism in formation and in the religious life. In a world of eroticism, consumerism and all kinds of abuse of power, there is a need for witnesses of the paschal mystery of Christ, the first stage of which necessarily passes through the cross. This passage requires insertion of a daily, personal asceticism into a integral program of formation; this leads candidates, novices and professed to the exercise of the virtues of faith, hope, charity, prudence, justice, temperance and fortitude. Such a program is perennial and cannot go out of style. It is always contemporary and always necessary. One cannot live out one's baptism without adopting asceticism, much less be faithful to a religious vocation. This way will be pursued all the more actively if, as with the entire Christian life, it is motivated by a love of our Lord Jesus Christ and by the joy of serving him.

In addition to this, Christians have need of coaches who can assist them in running along the "royal way of the holy cross." They need witnesses who renounce what St. John has called "the world" and "its lusts," and also "this world," created and preserved by the love of its Creator, and some of its values. The kingdom of God, which is shown by religious life "to surpass all things that are here below,"¹⁰² is not of this world. There is a need of witnesses to say so.

⁹⁹ Cf. *Perfectae Caritatis*, 5.

¹⁰⁰ "The Contemplative Dimension." 17; cf. Introduction, note 9, above.

¹⁰¹ John Paul II to the religious of Brazil. July 11, 1986, No. 5; cf. Introduction, note 5

, cf. *Lumen gentium*, 44.

During the course of formation this naturally assumes reflection upon the Christian meaning of asceticism and sound convictions about God and his relationship with the world that has come from his hands. This is because a blissful and naturalistic optimism must be avoided on the one hand and a pessimism oblivious to the mystery of Christ, creator and redeemer of the world, on the other.

37. Asceticism, moreover, which implies refusing to follow one's spontaneous and primary drives and instincts, is an anthropological exigency before being specifically Christian. Psychologists have observed that the young especially have need of encountering opposition (instructors, regulations, etc.) in order to develop their personalities. But this is not simply true for the young, since the development of a person is never fully achieved. The pedagogy used in the formation of religious should help them to be enthusiastic for an enterprise that demands effort. It is in this way that God himself leads the human person whom he has created.

38. An asceticism inherent in the religious life, among other elements, calls for an initiation into silence and solitude; this is true also for institutes dedicated to the apostolate. They must faithfully comply "with the basic law of all spiritual life, which consists in arranging a proper balance of periods set aside for solitude with God and others devoted to various activities and to the human contacts which these involve."¹⁰³ Solitude, if it is freely assumed, leads to interior silence, and this invites material silence. The regulation of every religious community, not only of houses of formation, should absolutely provide for times and places of solitude and silence; these foster hearing and assimilating the word of God, and at the same time favor the spiritual maturation of the person and of a true fraternal communion with Christ.

D. Sexuality and Formation

39. Today's generations have often grown up in such integrated situations that boys and girls are not helped to know and appreciate their own respective wealth and limitations. Formation in this area is particularly important due to apostolic contacts of all kinds and the greater collaboration which has begun between religious men and religious women as well as present cultural currents. Early desegregation and close and frequent cooperation do not necessarily guarantee maturity in the relationships between the two sexes. It will therefore be necessary to take means to promote this maturity and to strengthen it with a view toward formation for the observance of perfect chastity.

Moreover, men and women must become aware of their specific place in the plan of God, of the unique contribution which respectively they should make to the work of salvation. Future religious should thus be offered the possibility of reflecting on the role of sexuality in the divine plan of creation and salvation.

¹⁰² *Renovationis Causam*, 5; cf. Introduction, 7, above.

In this context reasons must be given and understood to explain why those who do not seem to be able to overcome their homosexual tendencies or who maintain that it is possible to adopt a third way, “living in a ambiguous state between celibacy and marriage,”^w must be dismissed from the religious life.

40. God did not create an undifferentiated world. Creating the human person to his own image and likeness (Gen. 2:26-27), as a reasonable and free creature capable of knowing and of loving him, God did not wish man to be alone, but in relation with another human person, woman (Gen. 2:18). Between the two is established a “mutual relationship: man to woman and woman to man”¹⁰⁵ “The woman is another **T** in a common humanity.”¹⁰⁶ This is why “man and woman are called from the beginning not only to exists ‘side by side’ or ‘together,’ but they are also called to exist mutually ‘one for the other’.”¹⁰⁷ One can easily see the importance of these anthropological principles, since there is a question of forming men and women who, through a special grace, have made a free profession of perfect chastity for the sake of the kingdom of heaven.

41. A “penetrating and accurate consideration of the anthropological foundation for masculinity and femininity” will aim at “clarifying woman’s personal identity in relation to man, that is, a diversity yet mutual complementarity, not only as it concerns roles to be held and functions to be performed, but also, and more deeply, as it concerns her nature and meaning as a person.”¹⁰⁸ The history of religious life bears witness to the fact that many women, within the cloister or in the world, have found there an ideal place for the service of God and others, conditions favorable to the expansion of their own femininity and, as a consequence, to a fuller understanding of their own identity. This growth in depth is to be pursued with the help of theological reflection and “the help that can come from different human sciences and cultures.”¹⁰⁹

Finally, for a clearer perception of the specific character of the feminine religious life, one should not forget that “the figure of Mary of Nazareth sheds light on womanhood as such by the very fact that God, in the sublime event of the incarnation of his Son, entrusted himself to the ministry, the free and active ministry of a woman. It can thus be said that women, by looking to Mary, find in her the secret of living their femininity with dignity and of achieving their own true advancement. In the light of Mary, the church sees in the face of women the reflection of a beauty which mirrors the loftiest sentiments of which the human

⁴ “Final Document of the Special Synod of Bishops of the Low Countries,” *L’Osservatore Romano*, Feb 2, 1980, proposition 32.

¹⁰⁵ John Paul II, apostolic letter *Mulieris Dignitatis* (1988), No. 7.

¹⁰⁶ Ibid . 6.

Ibid., 7.

¹⁰⁷ John Paul II. apostolic exhortation *Christifideles Laici* (1989), 50.

¹⁰⁸ Ibid

heart is capable: the self-offering totality of love; the strength that is capable of bearing the greatest sorrows; limitless fidelity and tireless devotion to work, the ability to combine penetrating intuition with words of support and encouragement.”¹⁰

3. The Stages of Religious Formation

A. The Stage Before Entrance Into the Novitiate

Rationale

42. In today’s circumstances, generally speaking, it may be said that the analysis of *Renovationis Causam* remains valid: “most of the difficulties encountered today in the formation of novices re usually due to the fact that when they were admitted they did not have the required maturity.”¹¹ It certainly is not required that a candidate for the religious life be able to assume all of the obligations of the religious life immediately, but he or she should be found capable of doing so progressively. The possibility of making such a judgment justifies the time and means employed in reaching it. This is the purpose of the stage preparatory to the novitiate, no matter what name may be given to it: postulancy, pre-novitiate, etc. It pertains exclusively to the proper law of institutes to determine the manner in which it is carried out, but whatever these may be, “no one can be admitted without suitable preparation.”¹²

Content

43. Taking into account what will be said (Nos. 86ff) with respect to the condition of youth in the modern world, this preparatory state, which can be prolonged without fear, should aim at verifying and clarifying certain points which will permit superiors to determine the advisability of and the time of candidate’s admission into the novitiate. Care should be taken not to hasten the time for this admission nor to defer it unduly, provided that it is possible to arrive at a certain judgment on whether the person is a promising candidate.

Admission is based upon conditions determined by the general law of the church, though the institute’s proper law can add others.¹³ The requirements of the law are as follows:

^{1,0} Ibid., encyclical *Redemptoris Mater* (1987), No. 46.

¹¹ Cf. *Renovationis Causam*, 4: Introduction, note 7, above.

¹² Cf. c. 597, §2.

Cf. cc. 641-645.

- A sufficient degree of human and Christian maturity¹¹⁴ for undertaking the novitiate without its being reduced to the level of a course of general formation based on a simple catechumenate. It can actually happen that some present themselves as candidates who have not completed their Christian initiation (sacramental, doctrinal and moral) and lack some of the elements of an ordinary Christian life.
- A general cultural foundation which should correspond to what is generally expected of young persons who have achieved the normal education of their country. It is particularly necessary that future novices attain facility in language used in the novitiate.

Since this is a matter of basic culture, it will be important to take into account the conditions of certain countries or social environments where the level of schooling is still relatively low, but where the Lord is nonetheless calling candidates to the religious life. Thus it will be necessary to promote the original culture carefully and not assimilate it into a foreign culture. It is within their own culture that candidates, whether male or female, must recognize the call of the Lord and respond to it in a personal way.

- A balanced affectivity, especially sexual balance, which presupposes the acceptance of the other, man or woman, respecting his or her difference. Recourse to a psychological examination can be useful, taking into account the right of each individual to preserve his or her own privacy.¹¹⁵
- The ability to live in community under the authority of superiors in a particular institute. This capacity certainly will be verified further during the course of the novitiate but the questions should be posed in advance. Candidates should be well aware of the act that other ways exist by which to give all of one's life to the Lord, apart from entering a religious institute.

Forms of Realization

44. These can be diverse: reception into a community of the institute without sharing all its life – with the exception of the novitiate community, which is not recommended for this except in the case of nuns; period of contacts with the institute or with one of its representatives; common life in a house of reception for candidates, etc. However none of these forms should give the impression that those who are interested have already become members of the institute. In every way the persons accompanying the candidates are more important than the modalities of reception.

One or several religious endowed with the necessary qualifications will be designated by superiors to guide the candidates and to help them with the

¹¹⁴ See above Nos. 26-30.

¹¹⁵ Cf. c. 620.

discernment of their vocation. These persons will actively collaborate with the director of novices.

B. The Novitiate and First Profession

End

45. “The novitiate, by which life in the institute begins, is ordered to this, that the novices better recognize their divine vocation and one which is, moreover, proper to the institute, that they experience the institute’s manner of living, that they be formed in mind and heart by its spirit and that their intention and suitability be tested.”¹¹⁶

Taking into account the diversity of charisms and institutes, the end of the novitiate could be defined, in other words, as a time of integral initiation into the form of life which the Son of God embraced and which he proposed to us in the Gospel¹¹⁷ under one or another aspect of his service or one of another of his mysteries.¹¹⁸

Content

46. “The novices are to be led to cultivate human and Christian virtues; they are to be introduced to a fuller way of perfection by prayer and self-denial; they are to be instructed to contemplate the mystery of salvation and to read and meditate on the Sacred Scriptures; they are to be prepared to cultivate the worship of God in the sacred liturgy; they are to be trained in a way of life consecrated by the evangelical counsels to God and humankind in Christ; they are to be educated about the character and spirit, purpose and discipline, history and life of their institute, and they are to be imbued with love for the church and its sacred pastors.”¹¹⁹

47. As a consequence of this general law, the total initiation which characterizes the novitiate goes far beyond that of simple instruction. It is:

- An initiation into a profound and living knowledge of Christ and of his Father. This presupposes a meditative study of Scripture, the celebration of the liturgy according to the spirit and character of the institute, an initiation into personal prayer, so that its practice becomes habitual, and a relish for the great authors of the church’s spiritual traditions, without being limited to spiritual reading of a modern cast.

C. 646.

¹¹⁷ *Lumen gentium*, 44

* *Ibid.*, 46.

¹¹⁹ C. 652, §1.

- An initiation into the paschal mystery of Christ through detachment from self, especially in the practice of the evangelical counsels according to the spirit of the institute, an evangelical asceticism joyfully undertaken and a courageous acceptance of the mystery of the cross.
- An initiation into a fraternal evangelical life. It is, in effect, within a community that faith is deepened and becomes communion, and that charity finds its numerous manifestations in the concrete routine of daily life.
- An initiation into the history, particular mission and spirituality of the institute. Here for institutes dedicated to the apostolate, there enters the fact that: "To complete the formation of the novices, in addition to the time mentioned in No. 1 (that is, the 12 months to be passed within the novitiate community itself), the constitutions can determine one or several periods of apostolic exercises to be spent outside the novitiate community."¹²⁰

These periods have the purpose of teaching the novices to "realize in their lives in progressive stages that cohesive unity whereby contemplation and apostolic activity are closely linked together, a unity which is one of the most fundamental and primary values of these same societies."¹²¹

The arrangement of these periods should take into account the 12 months to be passed within the novitiate community itself, during which the novices "will not be occupied with studies and duties which do not directly serve this formation."¹²²

The novitiate program of formation should be defined by the institute's proper law.¹²³

It is not advisable that the novitiate be conducted within a milieu foreign to the culture and native language of the novices. Small novitiates are actually better, provided that they are rooted in this culture. The essential reason for this is to avoid a multiplication of problems during a period of formation in which the fundamental equilibrium of a person should be established and when the relationship between the novices and the director of novices should be comfortable, enabling them to speak to each other with all the nuances required at the outset of an intensive spiritual journey. Further, a transfer into another culture at this particular moment involves the risk of accepting false vocations and of not perceiving what may be false motivations.

Professional Work During the Course of the Novitiate

48. It is worth mentioning here the question of professional work during the

¹²⁰ C. 648. §2.

¹²¹ *Renovationis Causam*, 5; cf. Introduction, note 7, above.

¹²² C. 652. §5.

¹²³ C 650, §1.

course of the novitiate. In a number of industrialized countries, for motives which are at times justified by an apostolic intention and which may also be in keeping with the social legislation of these countries, candidates who are receiving a salary only ask their employer for a one-year leave of absence “for personal convenience” at the time of their entrance into the novitiate. This enables them to regain their employment if they should return to the world, and they do not, as a consequence, run the risk of becoming unemployed. At times this also leads to the reassumption of their professional work during the second year of the novitiate under the guise of apostolic activities.

We believe that the following principle should be stated in this regard. In institutes which have two years of novitiate, the novices can exercise their profession full time only under the following conditions:

- That this work effectively corresponds to the apostolic finality of the institute.
- That it is assumed in the second year of the novitiate.
- That it corresponds to the exigencies of canon 648, §2, namely that it contributes to perfecting the formation of the novices for life in the institute and that it is truly an apostolic activity.

Some Conditions to Be Observed

49. The canonical conditions for licit and valid admission on the part of both the candidate and the competent authority must be rigorously observed. Conformity with these regulations can avoid many future difficulties.¹²⁴ With respect to candidates for the diaconate or priesthood, special care should be taken at this time so that no irregularity later affects the reception of holy orders – it being understood that major superiors of clerical institutes of pontifical right can dispense from irregularities not reserved to the Holy See.¹²⁵

It should also be remembered that superiors must consult the proper ordinary and ask for testimony from him before admitting a secular cleric into the novitiate (cc. 644 and 645, §2).

50. The circumstances of time and place necessary for the fulfillment of the novitiate are indicated by law. Its flexibility should also be kept in mind, always remembering, however, that prudence can advise what the law does not impose.¹²⁶ Major superiors and those responsible for formation should know that current circumstances, now more than ever, require conditions of stability sufficient to enable the novices to grow and advance in spirit in a profound and peaceful way. This is all the more important because of the fact that many candidates have already

IMCf. cc. 597, §§1-2; 641-645.

¹²⁴ Cf. cc. 134, §1; 1047, §4.

¹²⁶ Cf. cc. 647-649, 653, §2.

had experience of life in the world. Novices actually have a need of being trained in the practice of prolonged prayer, of solitude and of silence. For all this, the element of time plays a determining role. They can have a greater need “to withdraw” from the world than “to go” to the world, and this need is not merely subjective. This is why the time and place of the novitiate will be organized so that the novices can find an atmosphere that is favorable to becoming deeply rooted in a life with Christ. But this is only achieved by becoming detached from oneself, from all that which opposes God in the world and even from those goods of the world “that undoubtedly deserve to be highly valued.”¹²⁷ As a consequence, making the novitiate in an inserted community is completely discouraged. As we stated above (No. 28), the demands of formation must take precedence over certain apostolic advantages of insertion in a poor milieu.

Pedagogy

51. Not all the novices enter the novitiate at the same level of human and Christian culture. It will therefore be necessary to pay very close attention to each individual so that each advances at his or her own pace, and so that the content of formation and the way it is communicated are suitable to the one receiving it.

The Directors of Novices and Their Collaborators

52. The care of the novices is reserved solely to the director of novices under the authority of the major superiors. He or she must be free from all other obligations that would impede the complete fulfillment of the role as educator. If he or she has collaborators, these depend upon the director in what concerns the program of formation and the conduct of the novitiate. Together with the director, they have an important role in discernment and decision.¹²⁸

When secular priests or other religious from outside the novitiate and even laymen or laywomen are brought into the novitiate, either for teaching or for the sacrament of reconciliation, they work in close collaboration with the director of novices, each keeping complete discretion.

The director of novices is the spiritual guide appointed for this purpose for each and all of the novices. The novitiate is the place of the director's ministry, and he or she should thus be permanently available to the novices. The director will be able to fulfill this task readily only if the novices are entirely free and open in his or her regard. Nevertheless, in clerical institutes neither the director nor his assistant may hear the sacramental confessions of the novices unless, in particular

¹²⁷*Laumen gentium*, 46b.

¹²⁸ Cf. cc. 650-652, 51.

instances, they spontaneously ask him to do so.¹²⁹

Finally, directors of novices should remember that psycho-pedagogical means by themselves can not substitute for an authentic spiritual direction.

53. "Conscious of their own responsibility, the novices are to collaborate actively with their director so that they may faithfully respond to the grace of a divine vocation."¹ And, "members of the institute are to take care that on their part they cooperate in the work of training novices by the example of their life and by prayer."¹³¹

Religious Profession

54. During the course of a liturgical celebration, the church, through the competent superiors, receives the vows of those who make their profession and associates their offering with the Eucharistic sacrifice.¹³² The *ordo professionis*³ gives the outline of this celebration, but it also leaves room for the legitimate traditions of the respective institutes. This liturgical action manifests the ecclesial roots of profession. Beginning from the mystery celebrated in this way, it will be possible to develop a more vital and profound appreciation of consecration.

55. During the novitiate, both the excellence and the possibility of a perpetual commitment in the service of the Lord will be brought out. "The quality of a person can be judged by the nature of his bonds. Consequently, one can joyfully say that your freedom is freely attached to God by a voluntary service, a loving servitude. And, as a consequence of this, your humanity attains its maturity. 'Extended humanity', as I have written in the encyclical *Redemptor Hominis*, means the full use of the gift of freedom which we have received from the Creator when he called man, made to his own image and likeness, into existence. This gift finds its full realization in the unreserved donation of the human person, whole and entire, in a spirit of nuptial love toward Christ and, with Christ, toward all those to whom he sends men and women who are totally consecrated to him according to the evangelical counsels."¹³⁴ One does not give one's life to Christ on a "trial" basis. Moreover, it is he who takes the initiative in asking this of us. Religious bear witness to the fact that this is possible, thanks first of all to God's fidelity and to the fact that this renders them free and happy if their gift is renewed each day.

56. Perpetual profession presumes a prolonged preparation and a persevering apprenticeship. This justifies the church's requirement that it be preceded by a

¹²⁹wCf.c. 985.

¹³⁰W C. 652, §3.

¹³¹l C 652, §4.

¹³²Cf. *Lumen gentium*, 45.

¹³³l Dated Feb. 2, 1970, a corrected re-edition was published in 1975.

¹³⁴uJohn Paul II in Madrid, Nov. 2, 1982.

period of temporary profession. “While still retaining its probationary character by the fact that it is temporary, the profession of first vows makes the young religious share in the consecration proper to the religious state.”¹³⁵ Consequently, this time of temporary profession has as its end the strengthening of the fidelity of the young professed, whatever may be the human satisfaction which they receive from their daily life “in the following of Christ.”

The liturgical celebration should carefully distinguish the perpetual profession from the temporal profession, which should be celebrated “without any particular solemnity.”¹³⁶ On the other hand, the perpetual profession is made “with the desired solemnity and in the presence of the religious and others,”¹³⁷ since “it is the sign of the indissoluble union of Christ with the church, his spouse (cf. *Lumen gentium*, 44).”¹³⁸

57. All the legal dispositions with respect to the conditions for validity and for the time of temporary and perpetual profession must be observed.¹³⁹

C. Formation of the Temporarily Professed

What Is Prescribed by the Church

58. With respect to the formation of those who are temporarily professed, the church prescribes that “in individual institutes, after first profession the formation of all members is to be continued so that they may lead more fully the proper life of the institute and carry out its mission more suitably. Therefore, proper law must define the program of this formation and its duration, keeping in mind the needs of the church and the circumstances of human persons and times to the extent this is required by the purpose and character of the institute.”¹⁴⁰

“The formation is to be systematic, adapted to the capacity of the members, spiritual and apostolic, doctrinal and at the same time practical, and when it seems opportune, leading to appropriate degrees both ecclesiastical and civil. During the time of this formation, duties and jobs which would impede the formation are not to be assigned to members.”¹⁴¹

Renovationis Causam, 7; cf. Introduction, note 7, above.

¹³⁵ Order of Religious Profession, 5; cf. note 24.

¹³⁶ Ibid., 6.

¹³⁷ Ibid.

¹³⁸ Cf. cc. 655-658

¹⁴⁰ C. 659. §§ 1-2.

¹⁴¹ C. 660, §§ 1-2.

Significance and Requirements of This Stage

59. First profession inaugurates a new phase of formation, which benefits from the dynamism and stability derived from profession. For the religious, it is a matter of reaping the fruits of the preceding stages and of pursuing their own human and spiritual growth through the courageous execution of their responsibilities. Retaining the spiritual enthusiasm given by the preceding stage is all the more necessary, since in institutes dedicated to the apostolate the move to a more open lifestyle and to very demanding activities often runs the risk of disorientation and aridity. In institutes dedicated to contemplation, the risk is more apt to be a matter of routine, of weariness and of spiritual laziness. Jesus taught his disciples through the crises to which they were subjected. Through his repeated prophecies of his passion, he prepared them to become more authentic disciples.¹⁴² The pedagogy of this stage will therefore aim at permitting young religious to make real progress by means of their experiences according to a unity of perspective and of life – that of their own vocation, at this time in their existence, with a view toward perpetual profession.

The Content and Means of Formation

60. The institute has the grave responsibility of providing for the organization and duration of this period of formation and of furnishing the young religious with favorable conditions for a real increase in their donation to the Lord. In the first place, it will provide them a vigorous formational community and the presence of competent instructors. Actually, at this level of formation, in contrast to what was said regarding the novitiate (cf. No. 47), a larger community, well provided with means of formation and good guidance, is better than a small community without experts in formation. As in the whole course of religious life, religious must make efforts: to better understand the practical importance of community life in keeping with the vocation proper to their institute; to accept the reality of this life and to discover within it the conditions for their personal progress; to respect others in their differences; and to feel personal responsibility within this same community. Superiors will specifically designate one to be responsible for the formation of the temporarily professed, extending in a specific manner to this level the work of the director of novices. This formation should last for at least three years.

61. The following suggestions for programs are only indicative, and they do not hesitate to propose a high ideal considering the need there is for forming religious to meet the requirements and expectations of the contemporary world. It will be up to the institutes and to the formators to make the necessary adaptations to individuals, places and times.

¹⁴² Cf. Mk 8:31-37; 9:31-32; 10:32-34.

In the program of studies, special attention should be given to biblical, dogmatic, spiritual and pastoral theology and in particular to deepening a doctrinal understanding of consecrated life and of the charism of the institute. The establishment of this program and its functioning should respect the internal unity of teaching and the harmonization of different disciplines. There are not many sciences, but only one which a religious should be aware of learning: the science of faith and of the Gospel. In this regard, a cumulative diversification of courses and disciplines should be avoided. Further, out of respect for individuals, religious should not be introduced prematurely into highly controversial questions if they have not as yet completed the courses needed to approach them peacefully.

The program will aim at suitably providing a basic philosophical formation that will permit religious to acquire a knowledge of God and a Christian vision of the world in close connection with the debated questions of our time. This will show the harmony which exists between the knowledge of reason and that of faith in the search for truth, which is one. In such conditions, religious will be protected from the ever threatening temptations of a critical rationalism on the one hand and of a pietism and fundamentalism on the other.

The program of theological studies should be judiciously conceived and its different parts should be well defined so that the “hierarchy” of the truths of Catholic doctrine is brought out, since they vary in their relationship with the foundations of the Christian faith.¹⁴³ The establishment of this program can draw inspiration from an adaptation of the suggestions made by the Congregation for Catholic Education on the formation of candidates for the priestly ministry,¹⁴⁴ taking care not to omit anything that could assist in the acquirement of a good knowledge of the faith and of a Christian life within the church: history, liturgy, canon law, etc.

62. Finally, the maturation of a religious at this stage will require an apostolic commitment and a progressive participation in ecclesial and social experiences in keeping with the charism of their institute and taking into account the attitudes and aspirations of individuals. In the process of these experiences, religious should remember that they are not primarily pastoral ministers, but that they are in a period of initial formation rather than one that is more advanced and that their commitment to an ecclesial and especially a social service is necessarily subject to the criteria of discernment (cf. No. 18).

63. Even though superiors are rightly described as “spiritual directors in relation to the evangelical purpose of their institute,”¹⁴⁵ religious should have a person available to them, who may be called a spiritual director or spiritual counselor, for the internal, even non-sacramental forum. “Following the tradition

¹⁴³ *Unitans Redintegratio*, 11.

¹⁴⁴ *Ratio Institutionis*, 70-81 and note 148; 90-93.

¹⁴⁵ “Mutual Relations.” 13a; cf. Introduction, note 8, above.

of the early fathers of the desert and of all the great religious founders in the matter of provision for spiritual guidance, religious institutes each have members who are particularly qualified and appointed to help their sisters and brothers in this matter. Their role varies according to the stage reached by the religious, but their main responsibilities are: discernment of God's action; the accompaniment of the religious in the ways of God; the nourishing of life with solid doctrine and the practice of prayer; and particularly in the first stage, the evaluation of the journey thus far made.¹⁴⁴

This spiritual direction, which "cannot in any way be replaced by psychological methods"¹⁴⁷ and for which the council claims a "due liberty,"¹⁴⁸ should therefore be "fostered by the availability of competent and qualified persons."¹⁴⁹

These provisions primarily intended for this stage in the formation of religious should continue for the rest of their lives. In religious communities, above all those which are large and especially where the temporarily professed are living, there must be at least one officially designated religious to assist their brothers and sisters with guidance of spiritual advice.

64. Some institutes have provisions for a more intense period of preparation prior to perpetual profession which includes a withdrawal from one's usual occupations. This practice merits encouragement and extension.

65. If, as is provided for in the law, young professed are sent to study by their superior,¹⁵⁰ "such studies should not be programed with a view to achieving personal goals as if they were a means of wrongly understood self-fulfillment, but with a view to responding to the requirements of the apostolic commitments of the religious family itself, in harmony with the needs of the church."¹⁵¹ The course of these studies and the pursuit of degrees will be suitably harmonized with the rest of the program for this stage of formation, according to the judgment of major superiors and those responsible for formation.

D. The Ongoing Formation of the Perpetually Professed

66. "Throughout their entire life religious are to continue carefully their own spiritual, doctrinal and practical formation, and superiors are to provide them with the resources and time to do this."¹⁵² "Each religious institute therefore has the task of planning and realizing a program of permanent formation suitable for all its

¹⁴⁴ "Essential Elements," 11,47; cf. Introduction, note 10, above.

¹⁴⁷ "The Contemplative Dimension," 11, 11; cf. Introduction, note 9, above.

¹⁴⁸ *Perfectae Caritatis*, 14; see also c. 630.

¹⁴⁹ "The Contemplative Dimension," 11,11, cf. Introduction, note 9.

¹⁵⁰ Cf. c. 660, § 1

¹⁵¹ "Mutual Relations," 26; cf. Introduction, note 8.

¹⁵² C. 661.

members. It should be a program which is not simply directed to the formation of the intellect, but also to that of the whole person, primarily in its spiritual mission, so that every religious can live his or her own consecration to God in all its fullness and in keeping with the specific mission which the church has confided to them."¹⁵³

Reasons for Ongoing Formation

61. Ongoing formation is motivated first of all by the initiative of God, who calls each one at every moment and in new circumstances. The charism of religious life in a determined institute is a living grace which must be received and lived in conditions which often are new. "The very charism of the founders (*Evangelica Testificatio*, 11) appears as 'an experience of the Spirit', transmitted to their disciples to be lived, safeguarded, deepened and constantly developed by them in harmony with the body of Christ continually in the process of growth... The specific charismatic note of any institute demands, both of the founder and of his disciples, a continual examination regarding fidelity to the Lord; docility to his Spirit; intelligent attention to circumstances and an outlook cautiously directed to the signs of the times; the will to be part of the church; the awareness of the subordination to the sacred hierarchy; boldness of initiatives; constancy in the giving of self; humility in bearing with adversities. Especially in our times that same charismatic genuineness, vivacious and ingenious in its inventiveness, is expected of religious as stood out so eminently in their founders."¹⁵⁴ Permanent formation demands that one pay close attention to the signs of the Spirit in our times and that religious allow themselves to be sensitive to them in order to be able to respond to them appropriately.

Moreover, continued formation is a sociological factor which in our days affects all areas of professional activity. It very frequently determines whether one will remain in a profession or be obliged to take up another.

Whereas initial formation is ordered toward a person's acquisition of an autonomy sufficient for faithfully living a religious commitment, ongoing formation assists a religious in integrating creativity within fidelity. This is because a Christian and religious vocation demands a dynamic growth and fidelity in the concrete circumstances of existence. This in turn demands a spiritual formation which produces inner unity, but which is also flexible and attentive to the daily events in one's personal life and in the life of the world.

"To follow Christ" means that one is always on the road, that one is on one's guard against sclerosis and ossification in order to be able to give a living and true witness to the kingdom of God in this world.

In other words, there are three basic motivations for permanent formation:¹⁵⁵

¹⁵³ John Paul II to the religious of Brazil, 1986, No. 6; cf. Introduction, note 5, above.

¹⁵⁴ "Mutual Relations," II b, 12b. 23f; cf. Introduction, note 8.

- The first arises from the very function of the religious life within the church. There it plays a very significant charismatic and eschatological role that presumes on the part of religious men and women a special attention to the life of the Spirit, both in the personal history of each one and in the hopes and anxieties of others.
- The second comes from the challenges which arise from the future of the Christian faith in a world that is changing with increasing rapidity.¹⁵⁵
- The third concerns the very life of religious institutes and especially their future, which depends in part upon the permanent formation of their members.

Its Content

68. Continued formation is a global process of renewal which extends to all aspects of the religious person and to the whole institute itself. It should be carried out taking into account the fact that its different aspects are inseparable from and mutually influential in the life of each religious and every community. The following aspects should be kept in mind:

- Life according to the Spirit, or spirituality: This must have primacy, since it includes a deepening of faith and of the meaning of religious profession. The annual spiritual exercises and other forms of spiritual renewal are thus to be given priority.
- Participation in the life of the church according to the charism of the pastoral activities in collaboration with others involved in that activity locally.
- Doctrinal and professional updating, which includes a deepening of the biblical and theological perspectives of the religious, a study of documents of the universal and local magisterium, a better knowledge of the local cultures where one is living and working, new professional and technical training when appropriate.
- Fidelity to the charism of one's institute, through an ever-increasing knowledge of its founder, its history, its spirit, its mission and a correlative effort to live this charism personally and in community.

69. Sometimes a significant amount of permanent religious formation takes place in an interinstitutional context. In such cases it should be remembered that an institute cannot delegate to external organizations the whole task of continued formation for its members, since in many respects that formation is too closely tied to values proper to its own charism. Each institute, according to its needs and potentialities, should therefore create and organize various programs and structures for the formation of its own members.¹⁵⁵

¹⁵⁵ Cf. *Perfectae Caritatis*, 2d

Special Themes for Ongoing Formation

70. The following stages are to be understood in a very flexible manner. It will be useful to combine them concretely with those which may arise as a result of the unforeseeable initiatives of the Holy Spirit. The following are regarded as particularly significant stages:

- The passage from initial formation to the first experience of a more independent life, in which a religious must discover a new way of being faithful to God.
- The completion of about 10 years of perpetual profession, when the risk of life becoming “a habit” occurs with the consequent loss of all enthusiasm. At this time it seems imperative that there be a prolonged period during which one withdraws from ordinary life in order to “reread” it in the light of the Gospel and the mind of one’s founder. Various institutes offer their members such a period of intensifying their religious life in what is known as the “third year”, “second novitiate”, “second probation”, etc. It is desirable that this time be passed within a community of the institute.
- Full maturity, which often involves the danger of the development of individualism, especially among those of an active and vigorous temperament.
- A time of severe crisis, which can occur at any age as a result of external factors (change of place of work, failure, incomprehension, feelings of alienation, etc.) or more directly personal factors (physical or psychic illness, spiritual aridity, strong temptations, crises of faith or feelings, or both at the same time, etc.). In such circumstances a religious should be helped so that he or she successfully overcomes the crisis in faith.
- A time of progressive withdrawal from activity when religious feel more profoundly within themselves the experience which Paul described in the context of moving toward the resurrection: “We are not discouraged; and even if, in us, the outward man is being corrupted, the inner man is being renewed day by day.”¹⁵⁶ Peter himself, after he had received the immense task of feeding the flock of Christ, heard him say: “When you are old, you will stretch forth your hands, and another will gird you, and lead you where you would not wish to go.”¹⁵⁷ Religious can live these moments as a unique opportunity for allowing themselves to be penetrated by the paschal experience of the Lord Jesus to the point of wishing to die “to be with Christ,” in keeping with their initial choice: “that I may know Christ, the power of his resurrection and the fellowship of his sufferings, being made conformable to his death in order to

¹⁵⁶ 2 Cor 4:16. see also 5:1-10.

¹⁵⁷ Jn 21:15-19.

come, if possible, to the resurrection from the dead.”^{15*} Religious life follows no other way.

71. Superiors should designate someone as responsible for permanent formation in the institute. But it is also desirable that religious all during their lives have access to spiritual guides or counselors in accord with their course of initial fomiation and in ways adapted to their greater maturity and their actual circumstances.

4. Formation in Institutes Ordered Toward
Contemplation: Especially Nuns (PC, 7)

72. What has been said in the preceding chapter is also applicable to the institutes which will be considered here, taking into account their particular charism, tradition and legislation.

The Place of These Institutes in the Church

73. “There are institutes which are entirely ordered toward contemplation in such wise that their members give themselves over to God alone in solitude and silence, in constant prayer and willing penance. These will always have an honored place in the mystical body of Christ, in which ‘all the members do not have the same function’ (Rom 12:4), no matter how pressing may be the needs of the active ministry. For they offer to God an exceptional sacrifice of praise, they lend luster to God’s people with abundant fruits of holiness, they sway them by their example and they enlarge the church by their hidden apostolic fruitfulness.”¹⁵⁰

In the midst of a particular church, “their contemplative life ... is their primary and fundamental apostolate, because it is their typical and characteristic way in God’s special design to be church, to live in the church, to achieve communion with the church and to carry out a mission in the church.”¹⁶⁰

From the point of view of the formation of their members and for the reasons which have been given, these institutes deserve a very special attention with respect to both initial and ongoing formation.

The Importance of Formation in These Institutes

74. The study of the word of God, of the tradition of the fathers, of the documents of the church’s magisterium and systematic theological reflection

"Phil 3:10: cf. 1:20-26 and *Lumen gentium*, 48.

¹⁵⁹ *Perfectae Caritatis*, 7.

" The Contemplative Dimension." 26-27: cf. Introduction, note 9. above

cannot be held in low esteem where individuals have chosen to direct their whole life toward the primary, if not exclusive, search for God. These religious, who are totally dedicated to contemplation, learn from Scripture that God does not cease to search for his creatures in order to become united with them and that in return the whole life of a person cannot be anything but an unceasing search for God. They patiently undertake this search. At the same time God renders his creatures able to become enamored with him despite the burden of their limitations and their gropings. There is consequently the task of helping these religious approach the mystery of God without neglecting the critical exigencies of the human mind. The certainties given by revelation on the mystery of God, the Father, Son and Holy Spirit, must also be brought out, while ever remaining humble before the quest that will never be completed until we shall see God face to face for what he is. The main concern of these contemplatives is not and cannot be the acquisition of extensive knowledge nor the gaining of academic degrees. It is and must be that of strengthening their faith, “the substance of things to be hoped for, the evidence of things that are not seen.”¹⁶¹ In faith are to be found the roots and premises of an authentic contemplation. It is occupied with certainties on paths that are unknown: “Abraham left, not knowing where he was to go;”¹⁶² faith enables one to remain steadfast during the time of trial as if one saw him who is unseen.¹⁶³ Faith heals, deepens and expands the efforts of a mind which seeks and contemplates what now is only attained “through a mirror, in a dark manner.”¹⁶⁴

Some Points to Be Stressed

75. The program of formation in these institutes, after it has taken into account their specific character and the means suggested for remaining faithful to it, will insist upon certain elements as it gradually takes up the successive stages of formation. It should be noted from the outset that the course of formation among contemplatives will be less intensive and more informal because of the stability of their members and the absence of activities outside the monastery. It must also be noted that in the context of today’s world one should expect in the members of these institutes a level of human and religious culture in keeping with the needs of our day.

Lectio Divina

76. More than their brothers and sisters dedicated to the apostolate, the

Heb 11:1.

¹⁶¹ Ibid., 11:2.

¹⁶² Cf. ibid., 11:27.

¹⁶³ 1 Cor 13:12.

members of institutes totally directed toward contemplation spend a good part of each day in a study of the word of God and in *lectio divina*, under its four aspects of reading, meditation, prayer and contemplation. Whatever may be the terms employed in the different spiritual traditions and the precise meaning that is given to them, each one of these steps preserves its uniqueness and necessity. *Lectio divina* is nourished by the word of God, where it finds its point of departure and to which it returns. The seriousness of biblical study, for its part, guarantees the richness of the *lectio*. Whether this latter has for its object the text of the Bible itself, a liturgical text or a great spiritual page of Catholic tradition, there is a faithful echo of the word of God, which must be heard and perhaps, in the manner of the ancients, even murmured. This initiation requires courageous practice during the times of formation and all the further stages depend upon it.

Liturgy

77. The liturgy, especially the celebration of the Eucharist and the Divine Office, has a privileged place in these institutes. If the ancients readily compared the monastic life with that of the angels, it was, among other reasons, because the angels are the “liturgists” of God.¹⁶⁵ The liturgy, where earth is united with heaven and which therefore provides a kind of foretaste of the celestial liturgy, is the summit to which the entire church is tending and the font from which it receives all its strength. It does not take the place of all of the activity of the church, but for those who “have time solely for the things of God,” it is the place and privileged means for celebrating in the name of the church, in adoration, joy and thanksgiving, the work of salvation wrought by Christ, a memory of which is periodically offered to us in the unfolding of the liturgical year.¹⁶⁶ Therefore, it should not only be carefully celebrated according to the rites and traditions proper to the different institutes, but it should also be studied with regard to its history, the variety of its forms and its theological significance.

78. In the tradition of some of these institutes, religious receive the priestly ministry and celebrate the daily Eucharist even though they are not destined to exercise an apostolate. This practice finds its justification not only in that which concerns the priestly ministry, but also in that which pertains to the sacrament of the Eucharist.

On the one hand there is actually an inner harmony between a religious consecration and a consecration to the ministry, and it is legitimate that these religious should be ordained priests even if they do not exercise a ministry within or outside of the monastery. “The union in the same person of the religious consecration, which makes of one an offering to God, and the priestly character

¹⁴⁵ Origen. *Peri Archon*. 1.8. 1.

¹⁶⁶ Cf. *Lumen gentium*, 49. 50; *Sacrosanctum Concilium*, 5, 8. 9. 10.

configures the individual in a special manner to Christ, who is at once both priest and victim.”¹⁶⁷

On the other hand, the Eucharist “is an act of Christ and the church even if it is impossible for the faithful to be present.”¹⁶⁸ And it consequently deserves to be celebrated as such, because “the reasons for offering the sacrifice are not to be understood solely in view of the faithful to whom it is necessary to administer the sacraments, but primarily in view of God, to whom a sacrifice is offered in the consecration of this sacrament.”¹⁶⁹ Finally, it is necessary to retain the affinity that exists between a contemplative vocation and the mystery of the Eucharist. Actually, “among the works of the contemplative life, the most important consist in the celebration of the divine mysteries.”¹⁷⁰

Work

79. Work is a common law by which religious know they are bound, and it is fitting that during the period of formation they develop an appreciation of this, since with respect to those with whom we are now concerned, formation is carried on within the interior of the monastery. Work in order to live is not an obstacle to the providence of God, who is concerned with the least details of our lives; rather it enters into his plans. It can be considered as a service to the community, a means of exercising a certain responsibility within it and of collaborating with others. It permits the development of a certain personal discipline and gives a kind of balance to the more interior activities that make up the daily routine. In systems of social analysis, which are becoming progressively more developed in different countries, work also allows religious to share in the national solidarity, from which no citizen has the right to withdraw. More commonly, it is an element of solidarity with all the workers of the world.

Work thus responds not only to an economic and social need, but also to an evangelical demand. No one in a community can identify his or her self with a precise work that risks becoming his or her own property. Instead, all should be ready for any work that can be asked of them.

During the time of initial formation, especially during the novitiate, the time reserved for work should not encroach upon that which is normally reserved for studies or other activities in direct connection with formation.

¹⁶⁷ Paul VI to the major superiors of Italy (1966). See also his “Letter to the Carthusians” April 18, 1971.

Presbyterorum Ordinis. 13; cf. Paul VI. *encyclical Mysterium Fidei*.

Summa Theologica, *Illa*. Q. 82, a. 10.

·» Ibid. *Ha. Ihe*, Q. 189, a. 8, ad 2um.

Asceticism

80. Asceticism has a special place in institutes exclusively dedicated to contemplation; religious in such institutes should be fully aware of the fact that, despite the exigencies of a withdrawal from the world which is proper to them, their religious consecration makes them present to humanity and to the world “in a deeper way... in the heart of Christ.”¹⁷¹ “The monk is he who is separated from all and united to all”¹⁷²; united with all because he is united with Christ; united with all because he hears in his heart the worship, thanksgiving, praise, anguish and sufferings of all humanity; united to all, because God calls him to a place where he reveals his secrets to humanity. Religious who are wholly dedicated to contemplation are thus not only present to the world, but also to the heart of the church. The liturgy which they celebrate fulfills an essential function of the ecclesial community. The charity which animates them and which they strive to perfect at the same time quickens the whole mystical body of Christ. In this love they arrive at the first source of all that exists, the *amor fontalis*; and because of this they are at the heart of the world and of the church. “Within the heart of the church, my mother, I shall be love.”¹⁷³ This is their vocation and their mission.

Measures to Be Taken

81. The general norm is that the whole cycle of formation, both initial and permanent, is carried on within the interior of the monastery. For these religious it is the most suitable place in which they can complete the path of conversion, of purification and of asceticism with the intent of conforming their life to Christ. This requirement also has the advantage of favoring the harmony of the community. It is, in effect, the whole community and not simply more initiated individuals or groups which should benefit from the advantages of a well-ordered formation.

82. When a monastery cannot provide this formation itself because of a lack of teachers or of a sufficient number of candidates, it will be useful to organize teaching programs (courses, meetings, etc.) in common with several other monasteries or convents of the same federation, of the same order or of a basically common vocation in one of these monasteries or convents, according to a schedule that will be suitable to the contemplative nature of the monasteries concerned.

In every instance where the demands of formation conflict with the rule of enclosure, the current legislation should be maintained.¹⁷⁴ For the sake of formation, assistance can also be sought from externs to the monastery and even

¹⁷¹ *Lumen gentium*, 46.

¹⁷² Instruction *Venite Seorsum*, III, Introduction and note 27.

St Therese of the Child Jesus, *Autobiography*, 1957, p. 229.

¹⁷⁴ MCf.c. 667.

to the order, provided that they enter into the specific perspective of the religious whom they will instruct.

83. The association of convents of nuns with institutes of men, according to canon 614, can also be of advantage in the formation of nuns. It guarantees fidelity to the charism, to the spirit and to the traditions of a common spiritual family.

84. Every monastery will take care to create conditions that are favorable to personal study and reading by providing the religious with a good library that is kept up to date and, in certain cases, through correspondence courses.

85. Orders and congregations of monks, federations of nuns, and monasteries and convents that are not federated or associated with others are requested to draw up a program (*ratio*) of formation which will be included in their own law and will contain concrete norms for its execution in keeping with canons 650, § 1; 659-661.

5. Questions Concerning Religious Formation

The following contains actual questions or positions, some of which are the result of a brief analysis and which, as a consequence, probably deserve to be further discussed, refined and expanded. The directions and principles of other matters are expressed here, but their concrete application can only be made on the level of particular churches.

A. *Young Candidates to Religious Life and Vocation Promotion*

86. Young people are “the hope of the church.”¹⁷⁵ It has “so much to talk about with youth, and youth have so much to share with the church.”¹⁷⁶ Although there are adult candidates to the religious life, the majority of candidates today are between 18 and 25 years old. To the degree that they have been influenced by what is conveniently called “modernity,” it seems that some of their common traits can be identified with sufficient accuracy. The portrait reflects a Northern and Western model, but this model is tending to become universal in its strengths and weaknesses, and each culture will add touches to it that are required by its own uniqueness.

87. “The sensitivity of young people profoundly affects their perception of the values of justice, nonviolence and peace. Their hearts are disposed to fellowship, friendship and solidarity. They are greatly moved by causes that relate to the quality of life and the conservation of nature.”¹⁷⁷ Likewise, they have a thirst for freedom and authenticity. Generally, and at times ardently, they aspire toward a better world; there is no lack of those who are engaged in political, social, cultural

¹⁷⁵ *Gravissimum Educationis*, 2.

¹⁷⁶ ‘ *Chnstifideles Laid*, 46, cf. Propositions 51-52 of the 1987 Synod of Bishop.

¹⁷⁷ *Christifideles Laid*, 46.

and charitable associations in order to contribute to the betterment of humanity. If they have not been corrupted by totalitarian ideologies, they are for the most part keenly interested in the liberation of humanity from racism, underdevelopment, war and injustices. This attitude is not always – at times is far from being – motivated by religious, philosophical or political principles, but the sincerity of these youth and the depth of their generosity cannot be denied. Among youth may be found some who are marked by profound religious sentiment, but this sentiment itself needs to be evangelized. Finally, there are some, and these are not necessarily in the minority, who lead a sufficiently exemplary Christian life and are courageously engaged in the apostolate, already experiencing what it means to “follow Jesus Christ more closely.”

88. Though this is so, their doctrinal and ethical frames of reference tend to be relative, and to such an extent that they do not always know very well if there are solid points of reference for attaining the truth about humanity, the world and things. The lack of the teaching of philosophy in schools is frequently a reason for this. Young people hesitate to say who they are and what they are called to become. If they have some conviction about the existence of good and evil, the meaning of these words seems to be at odds with respect to what it was for preceding generations. There is frequently, a gap between the level of their secular knowledge, which can be highly specialized at times, and that of their psychological growth and their Christian life. Not all have had a happy experience within their family considering the crises which have afflicted this institution, either where the culture has not been deeply influenced by Christianity, where the culture is of a post-Christian type where there is an urgent need of a new evangelization or even where the culture has long been evangelized. They learn much through images, and the present system of education encourages this at times, but they read less. It thus happens that their culture is characterized by a nearly total absence of a historical dimension, as if our world began today. They have not been spared by consumerism, with the deceptions which it begets. Succeeding, at times with difficulty, in finding their place in the world, some let themselves be seduced by violence, drugs and eroticism. It is becoming less and less rare to find young people among the candidates for religious life who have had unhappy experiences in this last domain.

89. One thus has an indication of the problems which the variety and complexity of this human background pose for vocation promotion and also for formation. It is the discernment of vocations that is the concern here. Above all, in certain countries, some candidates for the religious life present themselves because of a more or less conscious search for social gain and future security; others look upon the religious life as an ideal place for an ideological struggle for justice. Finally, there are others of a more conservative nature who look upon the religious life as if it were a place for saving their faith in a world which they regard as being hostile and corrupt. These motives represent the reverse side of a number of values, but they need to be corrected and purified.

In the so-called developed countries, there is perhaps above all a need of promoting a human and spiritual balance based on renunciation, lasting fidelity, calm and enduring generosity, authentic joy and love. Here, then, is a demanding but necessary program for those religious who are charged with vocation promotion and with formation.

B. Religious Formation and Culture

90. The word *culture* in its general sense, according to the pastoral constitution *Gaudium et spes*, can indicate “all those factors by which man refines and unfolds the manifold spiritual and physical qualities that enable him to master his condition and his destiny” (Nos. 53-62).¹⁷⁸ This is why culture may be said to be “that by means of which the human person becomes more human,” and that “it is always situated in an essential and necessary relationship with what the human person is.”¹⁷⁹

On the other hand, “while the profession of the evangelical counsels involves the renunciation of goods that undoubtedly deserve to be highly valued, it does not constitute an obstacle to the true development of the human person, but by its nature is supremely beneficial to that development.”¹⁸⁰ There consequently exists an affinity between the religious life and culture.

91. Concretely, this affinity calls our attention to certain points. Jesus Christ and his Gospel transcend all cultures, even if they are entirely penetrated by the presence of the risen Christ and of his Spirit.¹⁸¹ On the other hand, every culture should be evangelized, that is to say, purified and healed of the wounds of sin. At the same time the wisdom which it contains has been surpassed, enriched and perfected by the wisdom of the Cross.¹⁸² It will therefore be good in every region:

- To be attentive to the level of general culture of the candidates, without forgetting that one’s culture is not limited to the intellectual dimension of a man or woman.
- To see how religious succeed in inculturating their own faith within the culture of their origins and to assist them to do so. This should not aim at transforming a house of formation for the religious life into a kind of laboratory of inculturation. Nevertheless, those responsible for formation cannot neglect being concerned with this in their guidance of those who have been entrusted

¹⁷¹ International Theological Commission. Oct. 8, 1985, No. 4.1.

¹⁷⁹ John Paul II to UNESCO. 1980, Nos. 6-7.

IW Lumen gentium, 46.

^{1.1} International Theological Commission, “Faith and Inculturation,” 8-22: cf. *Im Civilia Cattolica* 140.1 (1989) 159-177.

^{1.2} Ibid., see also *Christifideles Laid*, 44.

to them. Since it is a question of personal education in their faith and of its taking root in the life of the whole person, they cannot forget that the Gospel frees the ultimate truth of the values contained in a culture and that the culture itself expresses the Gospel in an original manner and reveals new aspects of it.¹⁸³

- To initiate religious who are living and working in a culture that is foreign to their own native culture into a knowledge and esteem for this culture in keeping with the recommendations of the conciliar decree *Ad Gentes*, No. 22.

-To promote within the young churches, in communion with all the members of the local church and under the guidance of its pastor, an inculturated religious life in keeping with the decree *Ad Gentes*, 18.

C. *Religious Life and Ecclesial Movements*

92. “In church communion the states of life by being ordered one to the other are thus bound together among themselves. They all share in a deeply basic meaning: that of being the manner of living out the commonly shared Christian dignity and the universal call to holiness in the perfection of love. They are different yet complementary, in the sense that each of them has a basic and unmistakable character which sets each apart, while at the same time each of them is seen in relation to the other and placed at each other’s service.”¹⁸⁴ This is confirmed by the many actual experiences of sharing not only of work, but also at times in prayer and at meals among religious and members of the laity. It is not our intent here to undertake a general study of this new development, but solely to consider the relations between religious and the laity under the aspect of ecclesial movements, due for the most part to the initiative of laymen and women.

Ecclesial movements, inspired by a desire to live the Gospel more intensively and to announce it to others, have always been manifest in the midst of the people of God. Some of these have been quite closely connected with religious institutes and share their specific spiritualities. In our day and particularly during recent decades, new movements have appeared that are more independent of the structures and style of the religious life than in the past; their beneficial influence on the church was frequently recalled during the Synod of Bishops on the vocation and mission of the laity (1987), provided that they observe a certain number of criteria of ecclesiality.¹⁸⁵

93. In order to retain a positive relationship between these movements and religious institutes, and all the more so because numerous religious vocations have come from these movements, it is important to reflect upon the following

¹⁸³ International Theological Commission. Nos. 4-2; see note 4 of this chapter
¹⁸⁴ *Christifideles Laid*, 55.

¹⁸⁵ Ibid. 30.

requirements and the concrete consequences which these involve for members of these institutes.

-An institute, as it was intended by its founder and as it has been approved by the church, has an internal cohesiveness which it receives from its nature, its end, its spirit, its character and its traditions. This whole patrimony is the axis around which both the identity and unity of the institute itself¹⁸⁶ and the unity of life of each of its members are maintained. This is a gift of the Spirit to the church which does not admit any interference or any admixture. A dialogue and sharing within the church presumes that each institute is well aware of what it is.

- Candidates for the religious life who have come from one or other of these ecclesial movements place themselves freely under the authority of the superiors and formators legitimately commissioned for their formation when they enter the novitiate. Therefore they cannot simultaneously be dependent upon someone apart from the institute to which they now pertain, even though they belonged to this movement before their entrance. This is a matter of the unity of the religious institute and the unity of life of its novices.

- These exigencies remain after the religious profession, so as to avoid appearances of divided loyalties either on the level of the personal spiritual life of the religious or on the level of their mission. If these requirements are not respected, the necessary communion between religious and the laity risks degenerating into a confusion on the two levels mentioned above.

D. Episcopal Ministry and the Religious Life

94. This matter has taken on more current interest since the publication of the document *Mutuae Relationes* and the emphasis which John Paul II has, on several occasions, placed on the impact of the bishops' pastoral care for religious life.

The ministry of the bishop and that of a religious superior are not in competition. Certainly there exists an internal order of institutes which has its own sphere of competence for the upholding and growth of religious life. This internal order enjoys a true autonomy, but it is necessarily exercised within the framework of organic ecclesial communion.¹⁸⁷

95. Actually, "there is acknowledged a rightful autonomy of life, especially of governance, by which they enjoy their own discipline in the church and have the power to preserve their own patrimony intact.... It belongs to local ordinaries to safeguard and protect this autonomy."¹⁸⁸

Cf. c. 578.

¹⁸⁶ Cf. *Christus Dominus*, 35.3-4; "Mutual Relations," 13c.

IMC. 586.

Within the context of this autonomy, "the proper law (of these institutes) must define the program of this formation and its duration, keeping in mind the needs of the church and the circumstances of human persons and times to the extent this is required by the purpose and character of the institute."¹⁸⁹

"Regarding the office of leaching, religious superiors have the competency and authority of spiritual director in relation to the evangelical purpose of their institute. In this context, therefore, they must carry on a veritable spiritual direction of the entire congregation and of its individual communities. They should accomplish this in sincere harmony with the authentic magisterium of the hierarchy."¹⁹⁰

96. On the other hand, bishops, as "authentic teachers" and "witnesses of divine and Catholic truth,"¹⁹¹ have a "responsibility for the doctrinal teaching of faith both in the centers where its study is promoted and in the use of means to transmit it."¹⁹²

"It is the duty of bishops as authentic teachers and guides of perfection for all the members of the diocese (cf. *Christus Dominus*, 12, 15, 35.2; *Lumen gentium*, 25,45) to be the guardians likewise of fidelity to the religious vocation in the spirit of each institute,"¹⁹³ according to the norms of the law (cf. cc. 386; 387; 591; 593; 678).

97. The above is in no way opposed to the autonomy of life and particularly of government, recognized in religious institutes. If, in the exercise of this jurisdiction, the bishop is limited by the respect which he must have for this autonomy, he is not on this account dispensed from watching over the progress that religious are making toward holiness. It is, in effect, the duty of a successor of the apostles, insofar as he is a minister of the word of God, to call all Christians in general to the following of Christ, and especially those who have received the grace of following him more closely" (c. 573, §1). The institute to which these latter belong already represents a school of perfection and a way toward holiness in itself and for the religious, but religious life belongs to the church and, as such, pertains to the responsibility of the bishop. The relationship between a bishop and religious men and women, which is perceived generally at the level of the apostolate, is more deeply rooted in his office as a minister of the Gospel, a promoter of holiness within the church and as a guardian of the integrity of the faith.

In this spirit and on the basis of these principles, it is fitting that the bishops of particular churches should at least be informed by major superiors regarding current programs of formation in centers or regarding services for religious formation which are located within their pastoral territories. Every difficulty

C. 659, §2; see also c. 650, §1 for what concerns the novitiate in particular.

¹⁸⁹ "Mutual Relations," 13a; cf. Introduction, note 8, above.

¹⁹⁰ *Lumen gentium*, 25.

¹⁹¹ "Mutual Relations," 33; cf. Introduction, note 8. above, and also cc. 753 and 212, §1.

¹⁹² "Mutual Relations," 28; cf. Introduction, note 8. For the "perfecter" bishops, see *Summa Theologica* IIIa-IIae, q. 184.

pertaining to episcopal responsibility or concerning the activities of these services or centers should be examined between bishops and major superiors, in keeping with the directives given in *Mutuae Relationes* (Nos. 24-35) and in certain cases, with the help of the organs of coordination indicated in the same document (Nos. 52-67).

E. *Interinstitutional Collaboration*

98. The first responsibility for the formation of religious belongs by law to each institute; it is the major superiors of the institutes, with the help of qualified assistants, who must attend to this important mission. Each institute, moreover, should, according to the law, establish its own program (*ratio*) of formation."¹⁵⁴ Still, necessity has led some institutes on every continent to place their means of formation (personnel and institutions) in common in order to collaborate in such an important work, which they could no longer accomplish by themselves.

99. This collaboration is effected through permanent centers or periodic services. An interinstitutional center is a center of study for religious which has been placed under the collective responsibility of the major superiors of the institutes whose members participate in it. Its purpose is to assure the doctrinal and practical formation required by the specific mission of the respective institutes in accordance with their nature. It is distinct from the formation community proper to each institute and within which a novice and a religious are introduced into the communitarian, spiritual and pastoral life of the institute. When an institute participates in an interinstitutional center, a complementarity should exist between the formation community and the center so that an integral and harmonious formation is provided.

Centers of formation for a federation should observe the norms written in the statutes of the federation; however these are not the present concern. The same holds true for centers or study programs placed under the responsibility of a single institute, but which, as hosts, receive religious of other institutes.

100. Interinstitutional collaboration for the formation of young professed, for ongoing formation and for the formation of formators can be effected within the framework of a center. The formation of novices, on the other hand, can only be given under the form of periodic services, since the novitiate community properly so-called must be a homogenous community proper to each institute.

Our dicastery intends to publish a special normative document later on dealing with the establishment of interinstitutional collaboration in the area of formation.

* Cc 650, §1 and 659, §2. See also John Paul II to the religious of Brazil, July 2, 1986, No. 5. Cf Introduction, note 5. above.

6. Religious Candidates to Priestly and Diagonal Ministry

101. The questions raised by this type of religious deserve to be examined separately because of their particular character. They are of three kinds. The first is regarding the formation of ministers as such; the second, the specific religious character of religious priests and deacons; the third, the insertion of the religious priest into the diocesan presbyterate.

Formation

102. In some institutes defined by their proper law as “clerical,” it is proposed at times that the same formation be given to lay brothers and to candidates for the ordained ministries. On the level of the novitiate, a common formation for both even seems to be demanded at times by the specific charism of the institute. This has advantages both with respect to the quality and the completeness of the doctrinal formation of the lay brothers and with their integration within the community. But in all such cases norms regarding the length and content of the preparatory studies for priestly ministry must be rigorously observed and followed.

103. “The formation of members who are preparing to receive holy orders is regulated by universal law and by the program of studies proper to the institute.”¹⁹⁵ Religious candidates for the priestly ministry will thus comply with the norms of the *Ratio Fundamentalis Institutionis Sacerdotalis*,¹⁹⁶ and candidates for the permanent diaconate with the dispositions provided for this in the proper law of their institutes. The totality of this *ratio*, the major points of which are found in canon law,¹⁹⁷ will not be repeated here. It will be enough to recall some of the stages of the course of formation so that they may be observed by major superiors.

104. Philosophical and theological studies, whether taken successively or conjointly, should comprise at least six complete years so that two whole years are given to philosophical and four whole years to theological disciplines. Major superiors must be attentive to the observation of these norms, especially when they entrust their religious to interinstitutional centers or to universities.

105. Even though the entire formation of candidates to the priesthood has a pastoral goal, they should have a pastoral formation, properly so called, which is adapted to the end of the institute. The program for this formation will be animated by the decree *Optatam Totius* and, for religious called to work in cultures foreign to their own, by the decree *Ad Gentes*.TM

106. Religious priests dedicated to contemplation, whether monks or others.

¹⁹⁵ C. 659, §3.

first ed., January 6, 1970; second ed.. March 19, 1985.

Cf. cc. 242-256.

¹⁹⁷ See *Optatam Totius*, 2. 19-21; *Ad Gentes*, 25-26.

who are called by their superiors to serve their guests in the ministry of reconciliation or spiritual advice should be provided with a pastoral formation appropriate to these ministries. They must also comply with the pastoral directives of the particular church in which they live.

“Even though the entire formation of candidates to the priesthood has a pastoral goal, they should have a pastoral formation ... which is adapted to the end of the institute.

107. All the canonical conditions required of ordinands and all that pertains to them must be observed, taking into account the nature and obligations proper to the religious state.¹⁹⁹

The Specific Religious Character of Religious Priests and Deacons

108. “A religious priest involved in pastoral activity alongside diocesan priests should clearly show by his attitudes that he is a religious.”²⁰⁰ So that “what characterizes religious life and the religious and gives them a particular aspect”²⁰¹ may always be manifest in a religious priest or deacon, it seems that several conditions must be fulfilled; it will be useful for religious who are candidates for priestly and diaconal ministries to examine themselves on these during the time of their initial formation and in the course of their permanent formation:

- That they have a clear perception of and a firm conviction about the respective natures of the priestly and diaconal ministries, which pertain to the structure of the church, and of religious life, which pertains to the sanctity and life of the church;²⁰² at the same time there remains the principle that pastoral ministry is a part of the nature of their religious life.²⁰³
- That, for their spiritual life, they draw upon the sources of the in-receive within themselves the gift which this institute is for the church.
- That they bear witness to a personal spiritual experience which is inspired by the witness and teaching of their founder.
- That they lead a life in conformity with the rule of life which they have bound themselves to observe.
- That they live in community according to the law.
- That they are mobile and available for the service of the universal church if the superiors of their institute call them to it.

¹⁹⁹ Cf. cc. 1010-1054.

²⁰⁰ John Paul II to the religious of Brazil on July 10, 1980: cf. Introduction, note 5. above.

²⁰¹ Ibid.

²⁰² Cf. *Lumen gentium*. 44.

²⁰³ Cf. *Perfectae Cantatis*. 8.

If these conditions are respected, a religious priest or deacon will succeed in smoothly integrating these two dimensions of his unique vocation.

The Place of the Religious Priest Within the Diocesan Presbyterate

109. The formation of a religious priest should take into account his future insertion into the presbyterate of a particular church, above all if he must exercise a ministry there, taking into account however, “the spirit of their own institute.”²⁰⁴ In effect, “the particular church is the historical space in which a vocation is exercised in the concrete and realizes its apostolic commitment.”²⁰⁵ A religious priest can rightly deem it to be “the fatherland of his own vocation.”²⁰⁶

The basic principles which govern this insertion have been given by the conciliar decree *Christus Dominus* (Nos. 34-35). Religious priests are “cooperators with the episcopal order,” and “in a certain sense (they) belong to the diocesan clergy inasmuch as they share in the care of souls and in the practice of apostolic works under the authority of the bishops.”²⁰⁷ Regarding this insertion, *Mutuae Relationes* (Nos. 15-23) indicates the reciprocal influence between universal and particular values. Although religious are asked “even if they belong to an institute of pontifical right, to feel themselves truly a part of the ‘diocesan family’,”²⁰⁸ canon law recognizes the rightful autonomy²⁰⁹ by which they maintain their universal and missionary character.²¹⁰

Normally the position of a religious priest or of an institute to which the bishop has entrusted a mission or pastoral work within the particular church must be regulated by a written agreement²¹¹ between the diocesan bishop and the competent superior of the institute or the religious concerned. The same would hold for a religious deacon in the same situation.

Conclusion

110. This document has aimed at taking into account the experiments that have already been made since the council and, at the same time, at reflecting the questions that have been raised by major superiors. It reminds all of certain requirements of the law with respect to present needs and circumstances. In the

⁴ *Christus Dominus*. 35.2.

““Mutual Relations,” 23d.

““Ibid., 37.

Christus Dominus. 34. According to No. 35, “*ui episcopis auxiliares adsint et subsint.*”

““Mutual Relations,” 18b.

“Cf c. 586, §§1-2.

^{1,0} Cf. c. 591 and “Mutual Relations,” 23.

“Mutual Relations,” 57-58; cf. c. 520. §2.

end, it hopes to be of use to religious institutes so that all may advance in ecclesial communion under the guidance of the pope and the bishops, to whom belongs “the ministry of discernment and harmony (cf. *Lumen gentium*, 21) which involves an abundance of special gifts of the Holy Spirit and the distinctive charism of ordering the various roles in intimate docility of mind to the one and only vivifying Spirit.”²¹² In the first place it has been indicated that the formation of religious has for its primary end to initiate candidates into religious life and help them become aware of their identity as persons consecrated through their profession of the evangelical counsels of chastity, poverty and obedience in a religious institute. Among the agents of formation, primacy is given to the Holy Spirit because religious formation in its origins and in its objectives is essentially a theological work. Insistence has been placed upon the need of forming qualified formators, without waiting till those who are presently in charge of this have completed their mandate. The primary role which the religious themselves and their communities play makes this task a privileged exercise of personal and communitarian responsibility. Several current questions have been raised. Though they have not all received a definitive response, they will at least provoke reflection. A special place has also been given to institutes which are wholly ordered toward contemplation because of their position at the heart of the church and the special character of their vocation.

It now remains to ask for aid, Superiors, instructors, formators and religious, the grace of fidelity to their vocation, following the example and under the protection of the Virgin Mary. In its progress through the course of time, the church “proceeds along the path already trodden by the Virgin Mary, who ‘advanced in her pilgrimage of faith and loyally persevered in her union with her son unto the cross’.”²¹³ The time of formation helps a religious to make this journey in the light of the mystery of Christ, which “shines in its fullness”²¹⁴ in the mystery of Mary, while at the same time the mystery of Mary “is for the church like a seal upon the dogma of the incarnation,”²¹⁵ as became clear at the Council of Ephesus. Mary is present at the birth and at the formation of a religious vocation. She is intimately involved in its whole process of growth in the Holy Spirit. The mission which she fulfilled in the service of Jesus, she fulfills for the benefit of his body, which is the church, and in every Christian, especially those who strive to follow Jesus Christ “more closely.”²¹⁶ This is why a Marian orientation, sustained by a sound theology, will give the formation of religious the authenticity, the solidity and the joy without which their mission in the world cannot be fully accomplished.

^{2,2} “Mutual Relations,” 6; Introduction, note 8, above.

^{2,5} *Redemptans Mater*, 2.

²¹⁴ *Ibid.*, 4.

²¹⁵ *Ibid.*

²¹⁶ *Lumen gentium*, 42.

In an audience granted to the undersigned cardinal prefect on Nov. 10, 1989, the Holy Father approved the present document of the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life and authorized its publication under the title “Directives on Formation in Religious Institutes.”

Rome, Congregation for Institutes of Consecrated Life and Societies of Apostolic Life, Feast of the Presentation of Our Lord, Feb. 2, 1990.

Cong, for Inst, of Cons. Life and Soc. of Ap. Life, 2 Feb. 1990, directives on formation in religious life. *Origins* 19 (1990): 677, 679-699.

CANON 582

Amalgamation of Two Religious Institutes, 20 January 1986. Private.

Letter from Prefect of Sacred Congregation of Religious and Secular Institutes to two superiors general who had inquired about amalgamation of their institutes:

1. The Sacred Congregation requires first of all that there be a suitable preparation by the Sisters whose lives will be affected by this decision.
2. It is recommended that you be helped by an expert or canonist who can explain to the Sisters what is involved in the proposed union and answer their questions.
3. There must be study, prayer, and discernment on the part of the Sisters.
4. Some helpful means in preparing the Sisters spiritually, and also psychologically, for the union are opportunities for common week-ends of prayer, inter-community retreats, preliminary acquaintance with the approved Constitutions of the large Institute (i.e., the Sisters of St. Joseph of Carondelet), informal gatherings through which the Sisters get to know one another.
5. Of primary importance is that each Sister of the amalgamating Institute be entirely free in making her choice to be part of the union, or to transfer to another Religious Institute, or to request a dispensation from her vows.
6. Juridically, the Congregation for Religious requires the secret formal vote of the Sisters of the amalgamating Institute in the greatest possible majority. Secondly, the written opinion and approval of the Diocesan Bishop, and a preliminary fundamental agreement for the disposition of temporalities according to the Norms of law.
7. The Sacred Congregation also requires the declaration of acceptance of the receiving Institute. If the latter Institute is not large, the declaration may come from the General Chapter, if opportune, or from a Special Assembly. If the receiving Institute is large, like the Sisters of St. Joseph of Carondelet, it is sufficient that the declaration of acceptance be given by the General Superior and her Council and by the Provincial Superiors and their Councils or by the enlarged General Council of the Institute.

8. In addition to these documents listed above, it is desirable that this office receive a list of the Sisters of the amalgamating Institute with their dates of birth and profession, a brief history of the process toward union, and the reasons for the request.

Decree from Congregation, January 20, 1986:

. . . having considered the testimonial letters of the Ordinary of Superior, Wisconsin and having heard of the vote of each Sister and the General Chapter of each Institute, the Congregation for Religious and Secular Institutes on the 10th day of January, 1986, after maturely considering the petition, by the present Decree has decided that, safeguarding the liberty of the Religious Sisters, the Institute of the Sisters of St. Joseph of Superior can unite with the Institute of the Sisters of St. Joseph of Carondelet, observing all the other requirements of law.

Sacred Congregation of Religious and Secular Institutes. 20 January 1986, procedures for the amalgamation of two religious institutes. *RRAO* (1986): 46-48.

The Reunion of Two Religious Institutes, 24 January 1986. Private.

Petition to Congregation for Religious and Secular Institutes:

1. The petition for a union and the necessary documentation. The letter notes that while one speaks of “reunion” in the documents, this is canonically a petition for a union.
2. A reminder that the opinions (or *vota*) of Bishop John J. Sullivan of Kansas City-St. Joseph Diocese and that of Archbishop John L. May of St. Louis have been given.
3. A history of the two institutes which shows that they were one until 1894 when the Sisters of St. Francis separated and formed a new Institute. The causes of the separation are no longer issues.
4. The reasons for petitioning the union:
 - Decree of the Appropriate Renewal of the Religious Life, art. 22.
 - *Ecclesiae Sanctae*, Art. 39-41
 - The ages of the Sisters of St. Francis, and their fewness in numbers.
 - The need to preserve the missions and keep them Catholic.
 - The fact that at one time the two institutes were one congregation.
 - The combining of administrations provides more resources for ministry.
5. Vote by entire membership of each Institute.
 - 95% of the Sisters of St. Mary voting on the question affirmed the union.

- All the Sisters of St. Francis voting approved the union (while gathered in Chapter).

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6. Both the Sisters of St. Mary and the Sisters of St. Francis Chapters' unanimously approved a resolution to petition CRIS for reunification.
7. Since 1982 there has been a process of acquainting the Sisters of both Institutes with each other. It included numerous instances of joint meetings, visits and celebrations at all levels (general superior and council, local communities, formation, apostolates and internal community service).

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8. At this time no Sister from either institute has requested transfer or a dispensation from vows as a result of the proposed reunification, nor has anyone indicated an intention to do so.
9. There are sufficient financial resources to support the united community. The ability to support is strengthened by the proposed union.
10. The Sisters of St. Francis are willing to accept the Sisters of St. Mary's Constitutions approved by CRIS in 1984, and in the future, to request CRIS to approve any changes deemed appropriate based on the lived experience of the united institute.

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11. Each institute has agreed to a model of interim government that results in a unified government within two years of receipt of the CRIS response. This agreement includes a plan to facilitate the union of the institutes at all levels.
12. The proposed timetable is requested in order to prepare and execute new civil law documents, financial and property transactions and insurance coverage. This will enable the canonical union to be coordinated with the new civil law structure.

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13. The union of the institutes will not result in a decrease in ministry to the people of the dioceses now being served. In fact, the combining of certain areas of service within the unified institute should result in additional sisters being available for ministry.

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14. If you need any additional information, please let us know. Thanks, etc.

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15. Signed by the two Superiors General.

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Decree from Congregation for Religious and Secular Institutes, January 20, 1986:

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The Congregation for Religious and Secular Institutes, having examined the votes of each of the Sisters and of the General Chapter of this Institute (i.e., Sisters of St. Francis of Maryville), and this matter having been fully considered in a meeting of January 10, 1986, by the present decree establishes that, safeguarding the freedom of the Women Religious, the Institute of the Sisters of St. Francis of Maryville may once again be united with the Institute of the Sisters of St. Mary of the Third Order of St. Francis. Furthermore, the Superior General of the Institute of the Sisters of St. Francis of Maryville should function in the new Institute as a

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General Counsellor up until a General Chapter, which should be celebrated within the next two years, having observed all the other requirements in this matter.

Sacred Congregation of Religious and Secular Institutes, 20 January 1986, procedures for the reunion of two religious institutes. *RRAO* (1986): 48-52.

CANON 588

Lay Brothers in Religious Institutes, 24 January 1986. AAS 78 (1986): 725-729.

With great joy I greet you, dear members of the Plenary Assembly of the Congregation for Religious and for Secular Institutes. In these past days you have studied a topic that is particularly close to me and is so important for religious life as a whole: “The identity and mission of Brothers in lay and clerical Institutes.”

With the following words the Second Vatican Council desired to confirm the lay Religious in the value of their religious vocation: “The lay religious life, for both men and women, constitutes a state which of itself is one of total dedication to the profession of the evangelical counsels.”¹ Twenty years after that ecclesial event, you have desired to examine the situation of the male lay religious life to verify the progress, the difficulties, the new perspectives of this type of life in the Church today.

I am convinced that this style of religious life, which has rendered the Church so much service throughout history, remains even today very adapted to the new apostolic challenges that the proclamations of the Gospel message must face. You have therefore wanted to shed new light upon the great possibilities contained in the *Code of Canon Law* for the development of this vocation in the Church; you desire to ensure that the People of God can understand the dignity and usefulness of the lay religious vocation.

Religious life began with a typically lay configuration. It grew out of the desire of some Christian faithful to “derive more abundant fruits” from baptismal grace and, by the profession of the evangelical counsels, to free themselves from those obstacles which might have drawn them away from the fervor of charity and the perfection of divine worship.²

Some clerics desired to participate in this life, which imitated with particular accuracy and perpetually exemplified in the Church the form of life which the Son of God embraced,³ whether to dedicate themselves more intensely to their own

¹ *PC* 10.

² Cf. *LG* 44.

³ Cf. *LG* 44

sanctification or to exercise their apostolate more effectively. The clerical institutes accepted lay Religious who, helping the priests, shared in the charism of the institute. Some founders were inspired to create exclusively lay congregations in order to exercise better “the pastoral work of the Church by educating the young, caring for the sick, and discharging other services”⁴ that spring from the baptismal consecration. Other founders established institutes in which the lay and priest Religious could work together, in union without confusion, for the Kingdom of God.

Thus the lay religious life in the Church, as an expression of total consecration for the Kingdom, is an expression of the holiness of the Spouse of Christ and contributes in an efficacious and original way to the fulfillment of the Church’s mission of evangelization and her many apostolic ministries. We cannot imagine religious life in the Church without the presence of this particular lay vocation, still open to so many Christians who can consecrate themselves into the following of Christ and the service of humanity.

The Second Vatican Council authorized the lay religious institutes who so desired to ordain some of their members as priests, without losing their proper character.⁵ The same Council spoke of institutes that are “not exclusively lay.”⁶ All of this shows us how the Holy Spirit, who is always at work in the Church, causes new structures, institutes and lay ministries to grow from the ever young roots of baptism and the ancient trunk of the evangelical counsels. Affirming that the “state of consecrated life by its nature, is neither clerical nor lay,”⁷ the *Code of Canon Law* recognizes this reality, leaving room for the possibilities which the Spirit of God may suggest to meet the new needs of the apostolate.

Deepen baptismal roots

Nevertheless, it is always necessary that the institutes observe the norm of canon 578 regarding fidelity to the intention of the founders and their plan, as officially recognized by the Church. The Congregation for Religious and for Secular Institutes has the task of watching over the fulfillment of these important requirements.

Dear members of this Plenary Assembly, tell the brothers – I use this term consecrated by use, notwithstanding the fact that, within an institute, all the members, lay and priest Religious alike, are “brothers” in a common vocation; tell the brothers to deepen continually the baptismal roots of their religious consecration. In 1980, receiving in audience the lay religious men of Rome, I said to them:

⁴ PC 10.

⁵ PC 10.

⁶ PC 15.

⁷ CIC c. 588, § 1.

“Your religious profession is set, in the first place, in the line of baptismal consecration, and expresses the bipolarity of the universal priesthood, which is based on this consecration. In life as lay Religious, in fact, there takes place the offering of the spiritual sacrifice, the exercise of worship in spirit and truth, to which every Christian is called; at the same time, there rings out in it before the world a very clear proclamation of the marvels of salvation. A double direction, therefore, toward God and toward men, characterizes your life; and at the basis of both there is the same one baptismal priesthood, in both there is expressed the same love spread in the heart by the Spirit,⁸ in both there is lived in fullness the identical charism of the ‘laity’, conferred by the grace of the sacraments of Christian initiation.”⁹

It is necessary for the lay Religious to be aware of the fact that they are responsible, along with their priest brothers, for all that can help strengthen the vitality of their own institute. The *Code of Canon Law* opens to them many possibilities for participation in the life and mission of their own religious family, except, of course, those aspects that derive strictly from the priestly character. It will be the task of the General Chapters to study more precisely and to apply these possibilities in the light of the norms of the universal law and in a renewed dedication of fidelity to the founding charism and to the specific mission of each institute in the present needs of the Church.

I would like to remind all the Religious – laymen and priests – of the complementarity of their respective paths within the same religious life. The Religious priest, involved in many pastoral activities, is reminded by his lay brother that religious life has a community dimension which he must not overlook. To the brother, involved in humble domestic chores or in tasks of secular service, the priest recalls the apostolic dimension of what he is doing. Furthermore, fulfilling one another in the respective service which they render to the human person, they are a living witness that “the salvific mission of the Church in relation to the world must be understood as an integral whole,” as the Extraordinary Synod has emphasized.¹⁰

I also want to express my gratitude, as well as that of the entire People of God, for the work of the brothers in those areas of the apostolate so rooted in the tradition of the Church and for which the Spirit has always raised up charisms to meet the needs. I refer to the education of youth, the care of the sick, and their many missionary functions. These are charisms and services still irreplaceable for an effective presence of the Gospel and a striking witness to the spirit of the Beatitudes.

* Cf. Rom 5:5.

⁹ *L'Osservatore Romano*. English Edition, (February 4, 1980), p. 9.

¹⁰ Final *Relatio*. IL D 6, *L'Oss. Rom.*, Eng. Ed., Dec. 16, 1985.

Witness of life

In the face of the beauty of the vocation of brothers in the Church, of the fullness of their religious identity and in the renewed possibilities for their presence, I make a twofold wish. The first is that all Pastors of the Church promote the specific vocation of religious consecration, without which something would be lacking in the vitality of the individual Churches, especially in the young ones. The second wish is for an adequate theological formation step by step with their professional and technical training, which the brothers need today to fulfill adequately their apostolic task.

To the Religious brothers I especially say that the Church and the world expect from them the witness of a holy life and that perfection of charity to which the evangelical counsels lead. This charity has frequently been that “odor of Christ” which so many lay brothers have mysteriously spread in the life of the Church

One of the greatest satisfactions of my pontificate has been the election of a great many lay Religious to the honors of the altar; they are eminent for the quality of service and the heroism of their virtues. St. Miguel Febres Cordero, a professor and member of the Academy of Languages of Ecuador, his country; Blessed Riccardo Pampuri, a doctor; Blessed Andre Bessette, a miracle worker; Blessed Albert Chmielowski, a painter, engineer, and founder; Blessed Jeremiah of Valachia, a nurse; Blessed Isidore de Loor, a gardener and cook; Blessed Francisco Garate, the “perfect porter.”

This simple list clearly shows, that all human activities, from the simplest to the loftiest in the world’s esteem, can take on the dimension of authentic “lay ministries,” which, rooted in baptism and in religious consecration, sing the praises of God and contribute to the “realization of this civilization of love, which is God's design for humanity as it awaits the coming of the Lord.”¹¹

May Mary, the humble Virgin of Nazareth, model of service and consecration, to whose protection all religious families turn, be for all brothers a mother and teacher of evangelical fidelity. To her I entrust the work of your Plenary Assembly that she may obtain the help and light to find more suitable means to confirm, renew and promote among the People of God the lay religious vocations, so necessary for the present and the future life of the Church.

John Paul II. 24 January 1986, address with members of the plenary assembly of the Congregation for Religious and Secular Institutes, *TPS* 31 (1986): 119-122.

¹¹ Message of the Extraordinary Synod of the People of God. IV, *L Osservatore Romano*. English Edition, (December 16, 1985), p. 5.

CANON 590**Religious Life:**

John Paul II, 22 February 1989, letter to U.S. bishops regarding religious life, *TPS* 34 (1989): 172-178; *Origins* 18(1989): 745, 747-750.

CANON 592

Letter to Supreme Moderators, 2 January 1988. AAS 80 (1988): 104-107.

The Apostolic See has very much at heart the state of religious institutes, and of societies of apostolic life, and being very solicitous for their spiritual and apostolic promotion, it follows with particular attention their diverse situations.

Therefore, in order that it may more efficaciously and adequately fulfill its duty of pastoral service toward their members and for an advantageous communion of the institutes with the Apostolic See, in conformity with canon 592, §1, it is very important that by means of periodic and opportune information the Holy See may come to know their condition and life according to the circumstances of time and place.

In this way, the Apostolic See can participate in the Lord (Rom 12:15) in the joyful and painful events of the institutes, and in as far as possible, according to the different cases, it can offer its pastoral assistance by opportune interventions.

For this purpose, the Congregation for Religious and for Secular Institutes proposes some criteria for the reports the supreme moderators of institutes should present to the Apostolic See.

1. The report that the supreme moderator should transmit periodically to this Congregation can be the same as that presented to the general chapter of the institute, but in a more synthetic form.

If the general chapter was not celebrated according to the common practice of the institute, the report shall be sent in every six years according to the indications given here.

The supreme moderators of religious institutes and of societies of apostolic life are requested to submit their first report after the celebration of the next ordinary general chapter of the institute.

2. The report shall contain at least the following general information:

- a) brief, synthetic statistics about the members, houses, and the immediately dependent parts that constitutes the institute;
- b) the way in which generally speaking the constitutions are received and evaluated by the members; how they regard authority in the institute, and what the relations are between superiors and members;
- c) the apostolate for the promotion of vocations and the hopes for the future

growth of the institute, the initial and permanent formation, with some references to the principal criteria and the elements of this formation;

d) how fraternal life is lived in community;

e) the bond of communion with the Apostolic See, with the local ordinary (especially in regard to the apostolate and the liturgy), with the National Conferences of Major Superiors, indicating furthermore how superiors on various levels have participated in the meetings and activity of the unions and of the conferences;

f) the work of the institute in regard to pastoral action, and other works of the apostolate in conformity with the charism of the institute;

g) the economic condition of the institute, indicating in general whether or not there exist any particular financial difficulties;

h) the more urgent problems which claim particular care and attention, especially those regarding the life and the apostolate of the institute, and the separation of their members from the institute (c. 704);

i) other facts or aspects, as the case may be, that highlight the real situation of the institute, to facilitate fruitful dialogue with this Congregation.

The Congregation for Religious and for Secular Institutes, awaiting the requested periodical communications, heartily implores the Lord, the generous giver of every good gift, that He may cause all religious institutes and societies of apostolic life as well as all their members to increase and prosper.

Rome, June 2, 1988, the Marian Year.

Cong. for Inst. of Cons. Life and Soc. of Ap. Life, 2 January 1988, letters to supreme moderators of institutes of consecrated life and societies of apostolic life. *AAS* 80 (1988): 104-107; *Consecrated Life* 14(1989): 266-269.

CANON 605

Norms concerning the creation of Religious Institutes:

"Normae directivae de institutione in religiosis institutis." 2 February 1990. *A/IS* 82 (1990): 470-532.

CANON 659

Study Centers and Houses of Religious Formation:

Cong. for Cath. Ed. and Cong. for Inst. of Cons. Life and Soc. of Ap. Life, 5 January 1990, report. *Origins* 19(1990): 750-754. [Background paper on NCCB discusses methodology and history of the study, 755-756.]

CANON 674**Remarks to General Chapter:**

John Paul II, 14 September 1990, remarks to general chapter of Cistercian and Trappist orders, *TPS* 36(1991): 73-75.

CANON 676**Women Religious and Prophetic Witness:**

John Paul II, 14 May 1987, address to women religious superiors, *TPS* 32 (1987): 283-286; *Origins* 17 (1987): 210-212.

CANON 684

Authentic Interpretation: Definition of "Religious," 20 June 1987. AAS 79 (1987): 1249.

D. Whether the term "religious" in canon 684, §3, is to be understood only of religious in perpetual vows or also of religious in temporary vows.

R. Negative to the first, affirmative to the second.

Pont. Comm, for the Auth. Interp. of the Code of Canon Law. AAS79 (1987): 1249; *RRAO*(\990): 113.

Canon 691**Separation of Members:**

"Procedure for the Separation of Members from Their Institute," *Cons. Life* 10 (1986): 87-92.

CANON 693**Diocesan Incardination vis-à-vis Dispensation from Religious Vows. Private.**

I am in receipt of your letter in which you presented some questions concerning a certain religious priest who wishes to be incardinated into your diocese after requesting and receiving the necessary Induit. Your Excellency specifically asked: When does the dispensation from the vows take place?

1. Normally the dispensation takes place at the end of the period of probation.
2. In some cases a bishop may wish to incardinate a religious priest immediately without a trial period, in which case, again the vows are dispensed at the

moment of incardination, or in rare cases a religious may be dispensed, provided that he has a benevolent bishop who will accept him for possible incardination after a suitable period of probation.

3. Your second question is answered above as to what occurs if the dispensation is granted immediately. The usual practice is to have a period of probation and then the incardination. We want to avoid *vagi* priests having no incardination.

4. You have asked about the procedure if the priest is not incardinated into the diocese after a trial period.' If he is still under vows, he must return to his monastery which must accept him. If he were already dispensed, he must find another benevolent bishop. Again you can see the reason for the common practice of having the trial period without dispensation from vows.

I hope that this has clarified any doubts or questions that you have in this matter. Please feel free to write again if there are any further questions.

CRIS, response to diocesan bishop. *RRAO* (1989): 62-64.

Dispensation from Religious Vows and Laicization, “*salva lege coelibatus (sacerdotalis)*”. For text see canon 290 of this volume.

CANON 696

Involvement of Religious in the Signing of an Abortion Ad. Private.

Background Statements:

Committee of Concerned Catholics, 2 March 1986, advertisement in *New York Times*. *Origins* 15 (1986): 652.

Cardinal Bernard Law, 7 March 1986, statement on abortion ad, *Origins* 15 (1986): 653-654.

Statement of Cardinal Hamer, Prefect of Congregation for Religious and Secular Institutes:

For the past three weeks I have been in the United States visiting my own Dominican religious community at Providence College and then holding a series of meetings with men and women religious in different areas of the country. For me this has been a wonderful opportunity to listen to American religious and learn about the way they live their consecrated lives.

The occasion of my trip was to participate in the annual assembly of the Conference of Major Superiors of Men, held at Fordham University, N.Y., from Aug. 11-15, and to speak at some length with the national board of the conference. I also accepted the invitation of the Dominican Sisters of Nashville, Tenn., who have recently celebrated the 125th anniversary of their foundation.

This visit has given me the additional opportunity to meet with religious in the

archdioceses of New York, Philadelphia, Washington and Chicago, as well as in the dioceses of Providence, Metuchen, Nashville and Pittsburgh.

My meetings with religious have offered me the occasion to explain my own ministry. As prefect of the Congregation for Religious and Secular Institutes, I am at the service of the Holy Father for whatever concerns the consecrated life. At the same time I am at the service of the consecrated life. I look upon my work as a threefold ministry: a ministry of deepening the understanding and appreciation of the religious life, a ministry of helping religious to a more profound living of their ideal through conversion and a ministry of contributing to the celebration of religious life in joy and praise.

The Congregation for Religious and Secular Institutes serves the Holy See in its worldwide responsibility for the religious life. The Holy Father, both by his word and example, encourages those who serve in the Curia to have a firsthand knowledge of the world's differing situations with their attendant problems and opportunities. The Catholic Church in the United States, with over 50 million Catholics in almost 200 dioceses, is obviously a significant reality. The Congregation for Religious and Secular Institutes has a special interest in this country because there are over 425 religious institutes of women with more than 115,000 members, and 195 religious institutes of men with almost 30,000 members.

My contacts with religious men and women during this and a previous visit last spring have been a source of encouragement for me. While religious are not immune from the pressures of contemporary society which militate against the demands of Christian discipleship, the countercultural witness of so many faithful religious men and women effectively proclaims the kingdom of God.

The contribution of religious men and women from the United States is not only a rich heritage of the church in this country, but is also a part of the church's heritage in many Third-World countries.

I know there has been public attention to an issue involving certain religious in this country and the Congregation for Religious and Secular Institutes. While I am unable at this time to deal with the issue at length since it is a matter of pastoral confidentiality, I wish to address the principles involved as far as the Holy See is concerned: 1) the competence of the congregation, 2) the religious man or woman as a public and consecrated person in the church, 3) the leaching of the church on abortion, 4) scandal, 5) the due process which is provided in the event that a religious fails to repair the scandal, and 6) freedom of conscience informed by the assent of faith.

1. The competence of the Congregation for Religious and Secular Institutes. This arises from the fact that the matter involves members of religious institutes which are institutes of pontifical right directly accountable to the Holy See.

2. The religious man or woman as a public and consecrated person in the church. While all members of the church have a duty to give witness to the Gospel and the teaching of the church, religious have a special public obligation in this

regard. For instance, canon 607, §3 speaks of “the public witness to be rendered by religious to Christ and to the church” and canon 758 states that “in virtue of their consecration to God, members of institutes of consecrated life give testimony to the Gospel in a special manner.”

3. The teaching of the church on abortion. The church’s teaching on the sanctity and inviolability of all innocent human life and on the radical immorality of direct abortion is clear, constant and unequivocal. The advertisement which gave rise to this matter stated otherwise, describing as “mistaken” the belief that condemnation of direct abortion is the “only legitimate Catholic position.”

4. Scandal. Considering that the advertisement was published in a prominent national publication, it is evident that scandal was given, regardless of what anyone may have intended. Thus it is necessary that the signers take steps to repair the scandal by indicating their adherence to the teaching of the church.

5. The due process which is provided in the event that a religious fails to repair the scandal. The congregation from the start has left it to the superiors of the religious involved to secure from them statements of adherence to the church’s teaching. Should this not be possible in any particular case, the matter would then be subject to the provisions of canon law, including due process procedures which fully respect individual rights and dignity (cf. cc. 697-700).

6. Freedom of conscience informed by the assent of faith. All members of the church have rights and duties with respect to the expression of opinions (cf. c. 212, §3). While freedom of conscience is a real value, clearly recognized as such by the church, Catholics are obliged in forming their consciences to observe the moral teaching of the church in its capacity as teacher of truth (cf. *Dignitatis Humanae*, 14). Conscience cannot be proposed as a principle to legitimize contradiction of the church’s clear and authoritative teaching on abortion.

Although, as I have indicated, pastoral confidentiality prevents me from speaking at length at this time, I wish to say that I am encouraged by the good will which is evident among parties to the discussion of this matter.

Cardinal Jean Jerome Hamer. OP, Prefect of Cong. for Ret. And Sec. Inst., 23 August 1985, statement (issued through NCCB), *Origins* 15 (1986): 188-189.

Statement by religious who signed the ad:

In September 1984 we signed the Catholic Statement on Pluralism and Abortion which was published in the *New York Times* on October 7, 1984. Since that time we have been engaged in discussions and negotiations with our general government group in an attempt to respond to the demand of the Vatican Congregation for Religious and Secular Institutes that we retract our signatures from the statement on pluralism and abortion or face dismissal from the Sisters of Notre Dame.

On March 22, 1986, for the first time we met representatives of the Congregation for Religious and Secular Institutes in the persons of Archbishop Vincenzo

Fagiolo and Sister Mary Linscott. The meeting was described to us as a “pastoral,” not a juridical or canonical visit. During that meeting Fagiolo clearly told us that no one could be or remain in religious life if they dissented from the hierarchical magisterium’s teaching on abortion. In addition, we were told that the resolution of our case required that we declare our adherence to that teaching.

One formulation suggested to us was that attested to by the Sisters of Loretto on the preceding day. Because this demand in content and in process is in our opinion inappropriate within the Catholic community and does not reflect the truth as we know it, we are compelled to make the following statements.

We believe that the Vatican in characterizing the *New York Times* ad as a pro-abortion statement has deliberately chosen to misconstrue it.

1. The ad spoke of a diversity of opinion on abortion among committed Catholics and called for dialogue.

We regret that the official church has taken part in repressing open discussion within the church and demanding obedience to authoritative rule without allowing legitimate dissent.

We believe that dialogue is essential for the very life of the church. If we are serious about the search for truth, this can only happen when true dialogue occurs. Dialogue needs to happen in an atmosphere free of fear and coercion.

2. The statement alluded to legitimate Catholic positions on abortion other than that held by the hierarchy.

We regret that the male, celibate church is ignoring and trivializing the experiences of women. We regret that the official church cannot deal with women as full persons and moral agents in our own right. We regret that the official church is neutralizing and negating the serious reflections of Catholic theologians and theologians in other faith traditions on the issue of reproductive rights.

We regret that the official church is continually repressing dissenting voices and seems to be acknowledging only the view of the religious right within Catholicism.

We believe that women are to be affirmed in their reproductive decisions on the basis of individual conscience and personal religious freedom.

We believe that by the official church’s inability to deal with birth control that in practice it promotes the high abortion rate it claims to abhor.

We believe that Catholic theological reflections and ecumenical exchange on the most conflictual subjects including reproductive rights are essential for the life of the church.

We continue to believe that there are other legitimate positions on abortion that are theologically and ethically defensible within the framework of Catholic tradition.

Theological inquiry and ecumenical exchange even on the most difficult issues

are essential for the life of the Church.

We believe that dissent on all controversial issues, including reproductive rights, is essential for the life of the church. We believe that dissent falls within the rights and responsibilities of all Roman Catholics. The official church has a responsibility to foster a climate in which faithful dissent is incorporated into the ongoing life of the community.

3. The statement said that those who publicly dissent from hierarchical statements and explore areas of legal and moral freedom on the abortion question should not be penalized by their religious superiors, church employers or bishops.

We regret that the official church is prepared to and has used force, threats and violence to obtain submission. We regret that the official church, which speaks of religious liberty, freedom to dissent, equality of persons before the law in society, fails to apply these same human rights to the church itself.

We believe that the integrity of legitimate church authority has been threatened. We believe that the hierarchy has given scandal by: their disruption of and intervention in women's religious communities; extracting what amounts to loyalty oaths; attempting to compromise the integrity of many religious signers; and deliberately misinterpreting and miscommunicating nun-signers' statements to the public.

We are also concerned by the punitive actions taken against many lay signers affecting their economic livelihood and academic freedom.

The cornerstone of the Catholic tradition is the search for truth. Unfortunately, the actions of the official church thwart that goal and are totally contrary to our "vision of church as a discipleship of equals."

Our statements come as a result of both reflection and challenges from: the experiences of women we have known and worked with; the Scriptures and our studies of theology and the history of the Roman Catholic Church. They are also the result of 19 years of Pat's experiences and 24 years of Barbara's experiences as members of the Sisters of Notre Dame.

We stand with those in the church who believe in all women's rights to make moral choices; who value integrity and do not compromise it; who respect conscience and do not undermine it and who seek the truth and do not fear it.

Sisters Patricia Hussey and Barbara Ferraro. April 1986, statement on abortion ad. *Origins* 16 (1986): 188-189.

Comments by general government group, Sisters of Notre Dame de Namur:

Up to the present time (June 1986) we sisters of the general government group (of the Sisters of Notre Dame de Namur) have made no general statement on this matter, though our opinion on various stages of its development has been expressed in correspondence with Sisters Barbara Ferraro and Patricia Hussey, and this has

been published within the American provinces. We think that the time has come to make known our position on the situation as it now stands and the action we propose to take in the immediate future.

Developments from October 1984:

The advertisement, published October 7, 1984, in the *New York Times*, was titled “A Diversity of Opinion Regarding Abortion Exists Among Committed Catholics.” It contained these two sentences: “Statements of recent popes and of the Catholic hierarchy have condemned the direct termination of prenatal life as morally wrong in all instances. There is the mistaken belief in American society that this is the only legitimate Catholic position.” It appeared during the presidential election campaign in the United States and in the context of controversy within the church there on the right of political candidates who were professed Catholics to uphold the state’s right to legislate in favor of abortion.

A letter, dated November 30, 1984, from Cardinal (Jean Jerome) Hamer and Archbishop (Vincenzo) Fagiolo, prefect and secretary respectively of the Congregation for Religious and Secular Institutes, requested Sister Catherine Hughes, as general moderator, to direct Sisters Barbara and Patricia to make a public retraction in regard to the controversial section quoted above. If they refused to do this, they were to be warned, in accordance with canon 696, §1 and canon 697, with an explicit threat of dismissal. A copy of this letter was sent to Sisters Barbara and Patricia, and a meeting with them was promised for March 1985, when the five of us would arrive in the United States from Latin America. This meeting took place and also a further one in Worcester, Mass., during part of which members of the Boston and Connecticut provinces were present. After that meeting the major superiors of the two provinces wrote letters, forwarded to the Congregation for Religious and Secular Institutes by Sister Catherine Hughes, in which they contended that the advertisement was “not a pro-abortion statement.” Cardinal Hamer, in his reply of May 14, 1985, disagreed with this opinion and stated that “the wording of the statement... was a source of confusion and even ‘scandal’ to many Catholics and (the sisters) are therefore subject to canon 696, §1, unless they retract.” He then went on to say what this retraction should consist of – for each sister to write to her provincial to say that she supports or adheres to the authentic teaching of the church on abortion and for the provincial to communicate this statement to the sisters of the province. “This would de facto constitute a retraction and satisfy the requirement of the Holy See.” A copy of this letter was sent to the sisters, and Sister Catherine wrote on behalf of the general government group to say that we thought the cardinal’s request was reasonable, i.e., for the sisters to say that they adhere to the church’s teaching on abortion – and that we could not support the opposite view. In their reply to us Sisters Barbara and Patricia said: “You need to know that we will not retract nor will we put anything

in writing.”

During the summer of 1985 Sister Elizabeth Bowyer was in the United States and met Cardinal Hamer with other concerned major superiors and with Sisters Barbara and Patricia. Later in the same year in Rome, Sister Catherine and other members of the general government group met Cardinal Hamer and continued the dialogue. At an interview on February 18, 1986, the cardinal asked that the question, Do you accept the authentic teaching of the church on abortion? should be put to the sisters. If the answer were yes, then the whole affair would be over. The sisters were not willing to give an affirmative answer to this question.

Later, in March 1986, Archbishop Fagiolo, secretary of the Congregation for Religious and Secular Institutes, accompanied by Sister Mary Linscott, SND, went to the United States and interviewed the sisters who had signed the original advertisement. With the exception of Sisters Barbara and Patricia, all those interviewed explained their position in a way that enabled the matter to be closed, so far as they were concerned.

Sisters Barbara and Patricia wrote a statement which was sent to the Congregation for Religious and Secular Institutes on April 24, 1986. Before that date, on April 15, 1986, Sister Peggy Loftus and Catherine had met the two sisters in Charleston, WVA, and they told us that this statement represented their final position. They reiterated their refusal to make a statement regarding their belief in the sacredness and inviolability of life because they felt it could be used to compromise their true position; and they confirmed that should the occasion present itself they would again take the kind of public and vocal pro-choice stance which they had done at the demonstration in support of legalized abortion on March 9, 1986, in Washington, D.C.

Because the five of us were known to be meeting together in late May for the first time since November 1985, many members of the two sisters' provinces have been writing to them and to us during April and May 1986, to make known their opinions on our respective positions and responsibilities.

Commentary: The *New York Times* advertisement:

We believe that many of the signers saw the advertisement as a call for dialogue about the church's teaching on abortion and not as a pro-abortion statement. We understand the political context in which it appeared on one day during the immediate run-up to the U.S. presidential elections, in a charged atmosphere which it is difficult to imagine so many months after the event. We recognize also the American tradition of open discussion in the press, a tradition which is not necessarily the same in other nations, even those with a free press. We do not see in this action sufficient cause to initiate a process for dismissal.

Nevertheless, we question the prudence of using this particular medium to initiate such a dialogue: There was a lack of clarity in the language which gave

some readers the impression that it was a pro-abortion statement and that it was calling into question the legitimate teaching authority of the church. A public press statement becomes the property of its readers as well as its authors, and since the Roman Catholic Church is international, the signers of the advertisement had less control than usual over different interpretations of the advertisement made in good faith.

Congregation for Religious:

The interpretation by the Congregation for Religious and Secular Institutes was that the statement denied the authoritative teaching of the church, and retraction or the penalty of dismissal was demanded through the general moderator. During 17 months of correspondence and dialogue, this demand has been reduced to a request for the sister to say that she accepts the authentic teaching of the church on abortion. We believe, and appreciate, the fact that the congregation has moved progressively, from a juridical to a pastoral mode of action, culminating in a personal visit of the congregation's secretary to the sisters concerned.

The sisters:

Sisters Barbara and Patricia work in an ecumenical project in Charleston, WVA, in which they deal every day with poor people in trouble. They are particularly concerned in their work with the problems of sexually abused women. It is natural that they should be highly aware of the problems faced by such women and strongly committed to improving their chances of leading lives of human dignity. We regret, however, many aspects of the way in which they have tried to do this from October 1984 onward.

The sponsorship and funding of the advertisement led to a suspicion that other strategies were operating besides those of the signers. A costly advertisement seems an inappropriate way to begin to help the dispossessed. A public stance by Sisters of Notre Dame would seem to demand prior consultation with the members of their congregation. But beyond these considerations is the fact that from the very beginning of our discussions, the sisters have stated that their position is "non-negotiable."

We have found this attitude a block to genuine dialogue. Their frequent use of the media has been characterized by statements which are derogatory to persons in the church and reflect a lack of respect for the church's teaching authority. They appear to have ignored the fact that as women who have public vows and who belong to a religious congregation, they are not free to act in public as though they were private individuals.

We are conscious of our covenant relationship with Sisters Barbara and Patricia. We are sisters who have made a common commitment and have accepted

to be in communion with one another in carrying out that commitment. We think that they have shown little awareness of their responsibility to the congregation in their public statements and actions.

At the present time we see the sisters' position to have changed from their original request for open dialogue on the subject of abortion. At this point they are taking a public pro-choice stance with no reference to the sanctity of life or the place of moral responsibility in decision making and action. We believe that Sisters Barbara and Patricia's present position has serious potential for the giving of scandal and continues to reflect an attitude of intransigence rather than dialogue in regard to the teaching authority of the church. We have grave concern in regard to the public pro-choice position which they have taken and plan to begin a process of clarification of their full position and examination of their stance in the light of the church's teaching and of our congregational statement of mission.

Sisters of Notre Dame de Namur, 18 June 1986, comments on the *New York Times* ad. *Origins* 16 (1986): 189-191.

Letter to members from superior general regarding dismissal process:

In your letter of October 22 you have asked for a clear decision concerning your status as a member of the Sisters of Notre Dame. The general government group thinks that such a decision can only be taken in the light of the following points.

In these last few years you have spoken publicly on abortion and appeared on the media in your public position as a professed sister of the congregation. Your communication(s) have given and continue to give scandal to Catholics because of the ambiguity of your pro-choice position. In order to avoid such misunderstandings and to safeguard the good name both of yourself and of the Sisters of Notre Dame, the general government group asked you to abide by certain conditions in making public statements.

These conditions have been clearly set out in previous letters to you, but I repeat them here for the sake of clarity:

- That you refrain from making any further public statements which do not fully convey your position so that the possibility of such statements being interpreted as pro-abortion will be minimized.
- That you refrain from using language which is abusive or disrespectful of persons.
- And that you discern with your province before making further public statements on the subject of abortion during the interim period until your province has developed a policy regarding dissent.

It was also made clear that the refusal to follow these directives, given under obedience, would be regarded as incompatible with membership of the Sisters of

Notre Dame.

You have now made your own position clear. You consider the directives unreasonable and, in your letter of Aug. 3, you state that you have no intention of obeying them. In your own words: "Simply, the answer is NO to the demand of the general government group." You justify this clear refusal to obey by stating that your "understanding of Notre Dame... is that our lives are not to be measured by adherence to rules under obedience, but by the capacity to live and act freely." Your letter of Oct. 22 confirms this refusal.

You continue to speak publicly and to appear on the media in your public position as professed sister of our congregation, and you emphatically refuse to have any consultation with your province before making your views public. We consider such public independent action without any attempt to be accountable to your sisters, with whom you have a covenant relationship, is incompatible with membership in the congregation.

Clearly this is a most serious matter that affects the whole of our congregation. If, therefore, you persist in this refusal to follow the directives concerning public statements that have been set out, then you leave us no alternative but to go ahead with the procedure for dismissal. The grounds for dismissal would be your direct refusal to obey the lawful orders of your religious superior in a matter of grave importance.

Therefore, Sister Barbara (Sister Patricia), we ask you to reflect carefully before you respond. We ask you to do this both for your own sake and for the good of the Sisters of Notre Dame. We must also make it clear to you that refusal to accept the conditions outlined above will lead to your dismissal.

If, of course, you wish to act with complete freedom as an individual and without any of the constraints that arise from membership of a religious congregation, you are free to ask for an induit of secularization. You would then no longer be bound by a vow of obedience to religious superiors, and you would have that "capacity to live and act freely" which you desire.

Please reflect carefully on what I have set out in this letter and let me know what decision you have come to by Feb. 15, 1988. I can be reached at the address below: Trinity College, Michigan Avenue N.E., Washington, D.C. 20017.

I pray that God's Spirit may be with all of us at this time.

Sister Catherine Hughes, 15 January 1988, letter to Sisters Hussey and Ferraro regarding dismissal process. *Origins* 17 (1988): 592.

Statement of Sisters of Notre Dame de Namur regarding dismissal process:

A canonical process, which could lead to the dismissal of Sisters Barbara Ferraro and Patricia Hussey, has been initiated. This process does not inevitably lead to dismissal since, while making certain demands of the two sisters, it gives time for their reflection and opportunity for them to change their position if they

so wish.

The two sisters have been asked not to communicate publicly on the question of abortion without first consulting with the authorities in their respective provinces. This condition was made in order to minimize the possibility of their statements being interpreted as being pro-abortion. They continue, however, to communicate on the subject of abortion and take what they call a pro-choice stance, a stance which has many interpretations and can and does give scandal to many of their fellow Roman Catholics. They refuse to acknowledge that their membership of the Congregation of Sisters of Notre Dame de Namur gives them a responsibility to make sure that public utterances on such an important and controversial subject have the approval of their sisters.

Sisters of Notre Dame make a vow of obedience, and we consider that this matter is serious enough to invoke that vow in making our request to the sisters. They have emphatically refused to be bound by it. We consider this to be a most serious matter that affects the whole of our congregation. Such public independent action without any attempt to be accountable to their sisters, with whom they have a covenant relationship, is incompatible with membership in the congregation. We have, therefore, informed the two sisters that we will proceed to their dismissal unless they change their position. The sisters' rights to put their case and to appeal are safeguarded.

Sisters of Notre Dame de Namur. 15 January 1988, statement regarding dismissal process. *Origins* 17(1988): 592.

Statement by religious regarding dismissal process:

Today, January 19, 1988, we have been informed in a telephone conversation with Sister Catherine Hughes, SND, general moderator, that the attached letter constitutes the first canonical warning of our pending dismissal from the Sisters of Notre Dame de Namur.

As many of you know, our leadership was first directed to seek our dismissal in December 1984 by the Vatican Congregation for Religious and Secular Institutes if we refused to retract our support for the Catholic statement on pluralism and abortion which appeared as a full-page ad in the October 7, 1984, *New York Times*. While CRIS has not, to date, closed our cases, our community has pursued this matter by expanding the inquiry to include subsequent public statements we have made regarding a woman's right to reproductive choice.

We believe the leadership's use of the vow of obedience to regulate a member's public response on controversial issues will have a negative effect on the freedom of conscience and moral agency of all members of the community.

We have consistently raised this concern with the community.

We are deeply saddened that the leadership has issued this ultimatum.

According to the very limited protections we are afforded under canon law, we

have until February 15 to respond to this letter. If a second warning is issued at that time, we will have at least 15 days more, at which time the leadership can, with the acquiescence of CRIS, dismiss us.

We have been members of the Sisters of Notre Dame for 25 and 20 years, respectively. The decision of the leadership to seek to dismiss us is profoundly unsettling. We are now praying, studying and reflecting on this matter.

We appreciate the support and concern many women and men have shown for us. We will, in due time, share with you all the decisions we reach and the values which inform them.

Sisters Ferraro and Hussey, 20 January 1988, statement regarding dismissal process. *Origins* 17 (1988): 592.

Statement of Sisters of Notre Dame de Namur regarding decision to halt dismissal process press statement:

The general government group of the Sisters of Notre Dame de Namur has stated that it will not proceed with the process to dismiss two members of its religious congregation, Sisters Barbara Ferraro and Patricia Hussey. During the past four months, notices were sent to these sisters warning them that if they did not accede to directives in regard to their public statements on abortion, they could be dismissed from the religious congregation. Although the disagreement between Sisters Barbara and Patricia and the authorities of the Sisters of Notre Dame has not been resolved, the general government and the leadership of their respective provinces are of the opinion that dismissal would not be in the best interests of the church or the religious congregation at this time.

This decision to halt the process of dismissal is not to be interpreted as support for or agreement with the public statements which have been made by Sisters Barbara and Patricia. The Sisters of Notre Dame disclaim any public statements on abortion made by these two sisters.

Letter to Provinces:

We have decided not to proceed with the dismissal process of Sisters Barbara Ferraro and Patricia Hussey. This decision has been taken after much prayer, thought, discussion and advice. It seems to us that in the prevailing atmosphere of strong emotion and concentrated publicity it has been impossible for all parties to come together in a constructive dialogue, and we would not want to take such an action in this kind of climate. We have been confirmed in this decision by the provincial administration in the provinces of Boston and Connecticut, the provinces to which the sisters belong.

We wish, however, to state clearly that this decision is not to be interpreted as support for or agreement with statements made by these sisters on the subject of

abortion.

Every member of the Sisters of Notre Dame is called to enter into our common mission “to stand with poor people as they struggle for adequate means for human life and dignity” (Constitutions, 17). We wish to express our regret that Sisters Barbara and Patricia have made public statements on abortion which are perceived as being contrary to the fostering of human life and dignity. We regret that they have written and spoken in such a way as to minimize the teaching of the Catholic Church on the sanctity of human life, and we disclaim any public statements they make on the subject of abortion. We regret that Sisters Barbara and Patricia have disregarded their responsibility to be accountable to their religious community, which they have freely chosen to join. They have assumed an intransigent position, which has consistently blocked attempts at dialogue initiated by the general government, the leadership of their respective provinces and other Sisters of, Notre Dame. This implies that they no longer value their membership in the congregation nor wish to fulfill the basic requirements. Sisters Barbara and Patricia have, in practice, placed themselves outside the life and mission of the congregation.

In spite of all that we have said here, we will not move to dismissal because we believe this action would not be in the best interests of the church or the congregation at this point. We in the general government join with the sisters of the Boston and Connecticut provinces in the hope that preservation of our covenant relationship with Sisters Barbara and Patricia will make it possible for dialogue to be resumed in the future.

Sisters of Notre Dame de Namur, 4 June 1988, statements regarding decision to halt dismissal process. *Origins* 18 (1988): 80.

Statement by religious regarding decision to halt dismissal process:

This past Sunday as we jogged by a housing development, we spotted a banner hanging from the balcony of a Catholic woman in Charleston, WVA. It read, “Barbara and Pat, all women have won because you have won!”

The decision June 1, 1988, by the five-member general government group of the Sisters of Notre Dame de Namur not to dismiss us was an enormous victory for all women, particularly women in religious congregations.

Our controversy with the Roman Catholic Church began almost four years ago, when we signed *The New York Times* ad titled “A. Diversity of Opinions Regarding Abortion Exists Among Committed Catholics,” published October 7, 1984. At that time, the Vatican’s Congregation for Religious and Secular Institutes issued a statement to our congregation directing Sister Catherine Hughes to seek us “to make a public retraction of *The New York Times* ad or to institute formal dismissal proceedings.”

For the past four years we have been under the threat of dismissal. For the past four years we have been honest, consistent and firm in our position that it is

possible for a nun to dissent publicly on controversial church teachings that are not infallible and not be dismissed. We have not compromised our views, lied about our position on abortion or accepted silencing amid many threats and demands. We have not done this without great personal cost. What we hope is that our struggle and commitment to remain firm and honest gives both hope and courage to all Catholics, particularly women. We hope that women will never again allow fear or threats to stand in the way of speaking freely and clearly.

We applaud our general government group for their decision not to dismiss us. Insofar as they differ with us in our position on reproductive rights, they were not willing to wield their power unjustly, but to stand together with us in our differences. *The New York Times* ad was about this very point: “A diversity of opinions exists among committed Catholics.”

We applaud our general government group for not participating in the horizontal violence begun by the hierarchy’s intervention in our lives four years ago. Our leadership has shown courage in the face of increased oppression by the Vatican.

We have seen some of our sisters in other communities effectively silenced or forced to resign. We watched the Sisters of Mercy compromise on the question of tubal ligation. We watched Agnes Mary Mansour, Arlene Violet and Liz Morancy resign from their communities as the only way to preserve an autonomous role in U.S. public policy. We saw Charles Curran, after fruitless attempts to be “faithful and cooperative,” forced to sue in civil courts to retain his academic freedom.

All these events confirmed us in our decision not to comply. All these events confirmed us in our belief that never again should a member of a religious community be threatened with dismissal, forced to resign or compromise one’s position for acting on the beliefs in freedom of conscience and freedom of speech.

This victory confirms us in the belief that by entering a religious community we do not give up who we are as feeling and thinking human beings. We do not give up our sense of political critique of any institution, be it church or society. This confirms for us that if those policies affect human beings in an adverse way, then we have both a right and a responsibility to critique these injustices.

This victory confirms our understanding of obedience as responsible decision making. This understanding of obedience is more important for the life of the church today than conformity to church teachings brought about by fear, coercion and threats. As we have maintained over the last four years, we are not meant to be Eichmann Christians and blindly obedient.

Today we accept this victory for all women and men who have had to [. . .] struggle with freedom of speech and freedom of conscience within the Roman Catholic Church.

Today we accept this victory for women in religious communities. You can be publicly pro-choice and still remain a nun.

We thank our interfaith colleagues and friends in West Virginia for their

support and guidance. We thank the women and men of Covenant House who have helped form our views and enriched our lives. We are grateful to the national and state women's organizations who have stood with us in this struggle. We thank the thousands of women and men from all over the United States and abroad who have sent letters, stood with, us and made this four-year journey easier because of their support.

In a special way we would like to express our gratitude to Dr. Mary Hunt, theologian and co-director of Women's Alliance for Theology, Ethics and Ritual and Frances Kissling, executive director of Catholics for a Free Choice. They have made themselves and their organizations available to us in countless ways.

You can continue to support us by being honest and open about where you stand on the issues of public dissent and on women and their right to choose. Your voices must be heard and not be defeated by fear. And now we know this church can change and we can change this church, but only through struggle, honesty, speaking out, taking risks and being clear.

Finally, we have struck no deals, we have not capitulated and we have not compromised our position. As stated to Vatican officials in April 1986, we believe that dissent on all controversial issues, including reproductive rights, is essential for the life of the church. We believe that dissent falls within the rights and responsibilities of all Roman Catholics. The official church has a responsibility to foster a climate in which faithful dissent is incorporated into the ongoing life of the community.

We stand with those in the church who believe in all women's rights to make moral choices; who value integrity and do not compromise it; who respect conscience and do not undermine it; and who seek the truth and do not fear it.

Sisters Ferraro and Hussey, 9 June 1988, statement at news conference. *Origins* 18 (1988): 91-92.

Letter of resignation from religious:

Dear Sisters of the Boston and Connecticut teams and members of the provinces.

It is now six weeks since the leadership informed us of their decision not to dismiss us. We have used this period to reflect on the political importance of this decision for all women, for the church, and for Notre Dame and to evaluate our own future relationship with the Sisters of Notre Dame. We have also listened for reactions from others in the community and the Vatican.

The past four years have been extremely painful for us. We have found it difficult to reconcile our vision of community and mission with the actions of the leadership. We have also been disturbed and disheartened by the canonical relationship that Notre Dame wishes to maintain with the Vatican as we submit our constitutions for CRIS' (Congregation of Religious and Secular Institutes) approval. CRIS demands that radical changes be inserted in our constitutions

which do not reflect our lived reality. Compliance with their demands will only deepen the canonical relationship with Rome.

However, we decided to put these questions and concerns aside until such time as we had defended the right to be members of the community and hold a public pro-choice position, or for that matter, any public position on non-infallible teachings that differs from the official church teachings.

We now believe that the leadership has affirmed that right to be a member and hold public positions on non-infallible teachings that differ from official church teachings. This act benefits Notre Dame and all other canonical communities. We are also grateful that Rome has not acted to overturn the leadership's decision.

Now, for the first time in four years, we are able to address the question of our future in the community in a free and non-coercive atmosphere. Our reflections have led to our decision to resign from the community, effective upon your receipt of this letter.

Two factors have most influenced this decision:

1. The past four years have shown us that to truly stand with people who are struggling, one must be in a relationship of equality with them. Thus for us to stand with women, we need to renounce the differences, privileges and even limitations that are part of membership in a religious community in a patriarchal church.
2. We also find that the violence of the process used with us by the leadership, the lack of respect and understanding of our motivation for the good of the whole church by many in the community are for us insurmountable barriers to the reconstruction of a positive covenant relationship.

In closing, we want to express our deepest thanks to the Sisters of Notre Dame who have voiced their support and questions to us openly and honestly. We pray that fears do not paralyze any of us in the future.

Sisters Ferraro and Hussey, 13 July 1988, letter of resignation. *Origins* 18 (1988): 162-163.

Decree of Dismissal of Religious Priest, 2 January 1987. Private.

The Congregation for Religious and Secular Institutes has been requested by the reverend father general of the Society of Jesus to dismiss from the Society of Jesus the Rev. John McNeill, priest and solemnly professed religious of the society, who had been expelled from the religious house according to canon 703 of the *Code of Canon Law*.

- Whereas canon 696 determines that pertinacious disobedience to lawful prescriptions of superiors in a serious matter and the pertinacious upholding and spreading of doctrines condemned by the magisterium of the Catholic

Church can be reasons for dismissal from the religious institute if they are grave, external, imputable and juridically proven;

- Whereas it is evident that the conduct of the aforementioned member has been grave, external, imputable and juridically proven in that it has also incited the intervention of the Congregation for the Doctrine of the Faith and the Congregation for Catholic Education because his doctrine does not agree with that of the magisterium of the Catholic Church concerning homosexuality, but in fact directly and publicly opposes it;
- Whereas sufficient warnings have been given by legitimate superiors of the Society of Jesus for the purpose of achieving the correction of the member, even with an explicit threat of subsequent dismissal unless he reformed, but all in vain, there is sufficient proof of his incorrigibility;
- Whereas the member has had full opportunity to defend himself but his defenses have been judged to be entirely insufficient;
- Whereas widespread, grave, external scandal has been given by public statements of the Rev. John McNeill which appeared in various newspapers in the United States of America and which were injurious to the magisterium of the Apostolic See;
- Whereas to avoid very grave imminent harm to the salvation of souls and to the good of the Society of Jesus itself if it were not made clear without further delay that the conduct of the aforementioned priest in relation to the magisterium of the Catholic Church and observance of religious discipline were incompatible with his juridical belonging to an institute of consecrated life;

Therefore the Congregation for Religious and Secular Institutes approves the expelling from the religious house of the Rev. John McNeill, which had been legitimately carried out by his competent religious superiors according to canon 703, and moreover by this present decree dismisses him and declares him dismissed from the Society of Jesus, with the consequences described in canon 701.

The dismissed religious has the right to have recourse to competent authority within 10 days from receiving notification of this decree.

Cong, for Rcl. and Sec. Inst., 2 January 1987, decree dismissing Father John McNeill from the Jesuits, *Origins* 16 (1987): 647.

Letter of Response to Dismissal:

Father John McNeill, 2 February 1987, letter of response to dismissal. *Origins* 16 (1987); 648.

CANON 700

Authentic Interpretation: Decree of Dismissal of Religious and Competent Authority to Receive Recourse, 17 May 1986. AAS 78 (1986): 1324.

I. *D.* Whether the decree of dismissal issued by the supreme moderator according to canon 700 is to be notified (to the person dismissed) before its confirmation by the Holy See, or after its confirmation?

R. Negative to the first part; affirmative to the second.

II. *D.* Whether the authority competent to receive the suspensive recourse against the dismissal of a member is the Congregation for Religious and Secular Institutes, which will confirm the decree, or the Supreme Tribunal of the Apostolic Signatura?

R. Affirmative to the first part; negative to the second.

Pont. Comm, for the Auth. Interp. of the Code of Canon Law. *AAS* 78 (1986): 1323; *Periodica* 77(1988) 149-158. *RRAO* (1990): 113.

CANON 705

Authentic Interpretation: Participation of Religious Bishop in his Own Institute, 17 May 1986. AAS 78 (1986): 1324.

D. Whether a religious bishop enjoys active and passive voice in his own institute?

R. Negative.

Pont. Comm, for the Auth. Interp. of the Code of Canon Law. *AAS* 78 (1986): 1324; *Periodica* 77(1988): 158-162; *RRAO* (1990): 113.

CANON 708

Particular Legislation: Relationship of Episcopal Conference to Conference of Major Superiors.

The Gambia, Liberia, and Sierra Leone:

The Inter-territorial Conference wishes to see greater coordination in the work of major superiors, and the fostering of cooperation between the national conferences of superiors and the Inter-territorial Conference.

ITCABIC. 3(1986). p. 8.

BOOK II

THE TEACHING OFFICE OF THE CHURCH

Canons 747-833

CANON 747

Politics and Tax-exempt Status:

USCC General Counsel, "Political Campaign Activities and Tax-exempt Groups," 14 July 1988, *Origins* 18(1988): 181, 183-186.

Statement on Employer Sanctions:

NCCB, "Statement Opposing Employer Sanctions," 17 November 1988, *Origins* 18 (1988): 405-406.

CANON 752

Instruction on the Ecclesial Vocation of the Theologian, 24 May 1990. AAS 82(1990): 1550-1570.

The truth which sets us free is a gift of Jesus Christ (cf. Jn 8:32). Man's nature calls him to seek the truth while ignorance keeps him in a condition of servitude. Indeed, man could not be truly free were no light shed upon the central questions of his existence including, in particular, where he comes from and where he is going. When God gives himself to man as a friend, man becomes free in accordance with the Lord's word: "No longer do I call you servants, for the servant does not know what his master is doing; but I have called you friends, for all that I have heard from my Father I have made known to you" (Jn 15:15). Mankind's deliverance from the alienation of sin and death comes about when Christ, the truth, becomes the "way" for mankind (cf. Jn 14:6).

In the Christian faith, knowledge and life, truth and existence are intrinsically connected. Assuredly, the truth given in God's Revelation exceeds the capacity of human knowledge, but it is not opposed to human reason. Revelation in fact penetrates human reason, elevates it and calls it to give an account of itself (cf. 1 Pt 3:15). For this reason, from the very beginning of the Church, the "standard of teaching" (cf. Rom 6:17) has been linked with baptism to entrance into the mystery of Christ. The service of doctrine, implying as it does the believer's search for an understanding of the faith, i.e., theology, is therefore something indispensable for the Church.

Theology has importance for the Church in every age so that it can respond to the plan of God "who desires all men to be saved and to come to the knowledge of the truth" (1 Tm 2:4). In times of great spiritual and cultural change, theology is all the more important. Yet it also is exposed to risks since it must strive to "abide" in the truth (cf. Jn 8:31), while at the same time taking into account the new problems which confront the human spirit. In our century in particular, during the periods of preparation for and implementation of the Second Vatican Council,

theology contributed much to a deeper “understanding of the realities and the words handed on.”¹ But it also experienced and continues to experience moments of crisis and tension.

The Congregation for the Doctrine of the Faith deems it opportune then to address to the bishops of the Catholic Church, and through them her theologians, the present instruction which seeks to shed light on the mission of theology in the Church. After having considered: 1) truth as God’s gift to his people, the instruction will describe; 2) the role of theologians, ponder; 3) the particular mission of the Church’s pastors; and, finally, 4) propose some points on the proper relationship between theologians and pastors. In this way it aims to serve the growth in understanding of the truth (cf. Col 1:10), which ushers us into that freedom which Christ died and rose to win for us (cf. Gal 5:1).

The truth, God’s gift to His people

Out of his infinite love, God desired to draw near to man, as he seeks his own proper identity, and walk with Him (cf. Lk 24:15). He also wanted to free him from the snares of the “father of lies” (cf. Jn 8:44) and to open the way to intimacy with himself so that man could find there, superabundantly, full truth and authentic freedom. This plan of love, conceived by “the Father of lights” (Jas 1:17; cf. 1 Pl 2:9; 1 Jn 1:5) and realized by the Son victorious over death (cf. Jn 8:36), is continually made present by the Spirit, who leads “to all truth” (Jn 16:13).

The truth possesses in itself a unifying force. It frees men from isolation and the oppositions in which they have been trapped by ignorance of the truth. And as it opens the way to God, it at the same time unites them to each other. Christ destroyed the wall of separation which had kept them strangers to God’s promise and to the fellowship of the covenant (cf. Eph 2:12-14). Into the hearts of the faithful he sends his Spirit, through whom we become nothing less than “one” in Him (cf. Rom 5:5; Gal 3:28). Thus thanks to the new birth and the anointing of the Holy Spirit (cf. Jn 3:5; 1 Jn 2:20, 27), we become the one new people of God whose mission it is, with our different vocations and charisms, to preserve and hand on the gift of truth. Indeed, the whole Church, as the “salt of the earth” and “the light of the world” (cf. Mt 5:13f.), must bear witness to the truth of Christ which sets us free.

The people of God respond to this calling “above all by means of the life of faith and charity, and by offering to God a sacrifice of praise. More specifically, as far as the “life of faith” is concerned, the Second Vatican Council makes it clear that “the whole body of the faithful who have an anointing that comes from the holy one (cf. 1 Jn 2:20, 27) cannot err in matters of belief.” And “this characteristic is shown in the supernatural sense of the faith of the whole people,

¹ *Dei Verbum*, 8

when ‘from the bishops to the last of the faithful’, they manifest a universal consent in matters of faith and morals.”²

In order to exercise the prophetic function in the world, the people of God must continually reawaken or “rekindle” its own life of faith (cf. 2 Tm 1:6). It does this particularly by contemplating ever more deeply, under the guidance of the Holy Spirit, the contents of the faith itself and by dutifully presenting the reasonableness of the faith to those who ask for an account of it (cf. 1 Pt 3:15). For the sake of this mission, the Spirit of truth distributes among the faithful of every rank special graces “for the common good” (1 Cor 12:7-11).

The vocation of the theologian

Among the vocations awakened in this way by the Spirit in the Church is that of the theologian. His role is to pursue in a particular way an ever deeper understanding of the word of God found in the inspired Scriptures and handed on by the living Tradition of the Church. He does this in communion with the magisterium, which has been charged with the responsibility of preserving the deposit of faith.

By its nature, faith appeals to reason because it reveals to man the truth of his destiny and the way to attain it. Revealed truth, to be sure, surpasses our telling. All our concepts fall short of its ultimately unfathomable grandeur (cf. Eph 3:19). Nonetheless, revealed truth beckons reason – God’s gift fashioned for the assimilation of truth – to enter into its light and thereby come to understand in a certain measure what it has believed. Theological science responds to the invitation of truth as it seeks to understand the faith. It thereby aids the people of God in fulfilling the apostle’s command (cf. 1 Pt 3:15) to give an accounting for their hope to those who ask it.

The theologian’s work thus responds to a dynamism found in the faith itself. Truth, by its nature, seeks to be communicated since man was created for the perception of truth and from the depths of his being desires knowledge of it so that he can discover himself in the truth and find there his salvation (cf. 1 Tm 2:4). For this reason, the Lord sent forth His apostles to make “disciples” of all nations and teach them (cf. Mt 28:19f). Theology, which seeks the “reasons of faith” and offers these reasons as a response to those seeking them, thus constitutes an integral part of obedience to the command of Christ, for men cannot become disciples if the truth found in the word of faith is not presented to them (cf. Rom 10:140-

Theology therefore offers its contribution so that the faith might be communicated. Appealing to the understanding of those who do not yet know Christ, it helps them to seek and find faith. Obedient to the impulse of truth which

² *Lumen gentium*, 12.

seeks to be communicated, theology also arises from love and love's dynamism. In the act of faith, man knows God's goodness and begins to love him. Love, however, is ever desirous of a better knowledge of the beloved.³ From this double origin of theology, inscribed upon the interior life of the people of God and its missionary vocation, derives the method with which it ought to be pursued in order to satisfy the requirements of its nature.

Since the object of theology is the truth which is the living God and his plan for salvation revealed in Jesus Christ, the theologian is called to deepen his own life of faith and continuously unite his scientific research with prayer.⁴ In this way, he will become more open to the "supernatural sense of faith" upon which he depends, and it will appear to him as a sure rule for guiding his reflections and helping him assess the correctness of his conclusions.

Through the course of centuries, theology has progressively developed into a true and proper science. The theologian must therefore be attentive to the epistemological requirements of his discipline, to the demands of rigorous critical standards and thus to a rational verification of each stage of his research. The obligation to be critical, however, should not be identified with the critical spirit which is born of feeling or prejudice. The theologian must discern in himself the origin of and motivation for his critical attitude and allow his gaze to be purified by faith. The commitment to theology requires a spiritual effort to grow in virtue and holiness.

Even though it transcends human reason, revealed truth is in profound harmony with it. It presumes that reason by its nature is ordered to the truth in such a way that, illumined by faith, it can penetrate to the meaning of Revelation. Despite the assertions of many philosophical currents, but in conformity with a correct way of thinking which finds confirmation in Scripture, human reason's ability to attain truth must be recognized as well as its metaphysical capacity to come to a knowledge of God from creation.⁵

Theology's proper task is to understand the meaning of Revelation and this therefore requires the utilization of philosophical concepts which provide "a solid and correct understanding of man, the world, and God"⁶ and can be employed in a reflection upon revealed doctrine. The historical disciplines are likewise necessary for the theologian's investigations. This is due chiefly to the historical character of Revelation itself, which has been communicated to us in "salvation history." Finally, a consultation of the "human sciences" is also necessary to

³ Cf. St. Bonaventure. *Prooem. in I Sent.*, q. 2, ad 6: "*quando fides non assentit propter rationem, sed propter amorem eius cui assentit. desiderat habere rationes.*"

⁴ Cf. John Paul II, "Address at the Conferral of the First International Paul VI Prize to Hans Urs von Balthasar," June 23, 1984; *Insegnamenti di Giovanni Paolo II*, VII, 1 (1984), 1911-1917.

⁵ Cf. Vatican Council I. *De Fide Catholica. De Revelatione*, Can. 1: Denzinger-Schonmetzer, 3026.

* *Optatam Totius*, 15.

understand better the revealed truth about man and the moral norms for his conduct, setting these in relation to the sound findings of such sciences.

It is the theologian's task in this perspective to draw from the surrounding culture those elements which will allow him better to illumine one or another aspect of the mysteries of faith. This is certainly an arduous task that has its risks, but it is legitimate in itself and should be encouraged.

Here it is important to emphasize that when theology employs the elements and conceptual tools of philosophy or other disciplines, discernment is needed. The ultimate normative principle for such discernment is revealed doctrine, which itself must furnish the criteria for the evaluation of these elements and conceptual tools and not vice versa.

Never forgetting that he is also a member of the people of God, the theologian must foster respect for them and be committed to offering them a teaching which in no way does harm to the doctrine of the faith.

The freedom proper to theological research is exercised within the Church's faith. Thus while the theologian might often feel the urge to be daring in his work, this will not bear fruit or "edify" unless it is accompanied by that patience which permits maturation to occur. New proposals advanced for understanding the faith "are but an offering made to the whole Church. Many corrections and broadening of perspectives within the context of fraternal dialogue may be needed before the moment comes when the whole Church can accept them." Consequently, "this very disinterested service to the community of the faithful," which theology is, "entails in essence an objective discussion, a fraternal dialogue, an openness and willingness to modify one's own opinions."⁷

Freedom of research, which the academic community rightly holds most precious, means an openness to accepting the truth that emerges at the end of an investigation in which no element has intruded that is foreign to the methodology corresponding to the object under study.

In theology this freedom of inquiry is the hallmark of a rational discipline whose object is given by Revelation, handed on and interpreted in the Church under the authority of the magisterium, and received by faith. These givens have the force of principles. To eliminate them would mean to cease doing theology. In order to set forth precisely the ways in which the theologian relates to the Church's teaching authority, it is appropriate now to reflect upon the role of the magisterium in the Church.

John Paul II, "Address to Theologians at Allotting," Nov. 18, 1980: AAS 73 (1981) 104, cf. also Paul VI, "Address to the International Theological Commission." Oct. 11, 1972: /IAS64 (1972): 682-683. John Paul II. "Address to the International Theological Commission." Oct. 26, 1979: AAS 71 (1979): 1428-1433.

The Magisterium of the Church's pastors

“God graciously arranged that the things he had once revealed for the salvation of all peoples should remain in their entirety throughout the ages and be transmitted to all generations.”^{*} He bestowed upon His Church, through the gift of the Holy Spirit, a participation in His own infallibility.[†] Thanks to the “supernatural sense of faith,” the people of God enjoys this privilege under the guidance of the Church’s living magisterium, which is the sole authentic interpreter of the word of God, written or handed down, by virtue of the authority which it exercises in the name of Christ.[‡] As successors of the apostles, the bishops of the Church “receive from the Lord, to whom all power is given in heaven and on earth, the mission of teaching all peoples, and of preaching the Gospel to every creature, so that all men may attain to salvation.”[§] They have been entrusted then with the task of preserving, explaining and spreading the word of God, of which they are servants.^{||}

It is the mission of the magisterium to affirm the definitive character of the covenant established by God through Christ with his people in a way which is consistent with the “eschatological” nature of the event of Jesus Christ. It must protect God’s people from the danger of deviations and confusion, guaranteeing them the objective possibility of professing the authentic faith free from error, at all times and in diverse situations. It follows that the sense and the weight of the magisterium’s authority are only intelligible in relation to the truth of Christian doctrine and the preaching of the true word. The function of the magisterium is not, then, something extrinsic to Christian truth nor is it set above the faith. It arises directly from the economy of the faith itself, inasmuch as the magisterium is, in its service to the word of God, an institution positively willed by Christ as a constitutive element of His Church. The service to Christian truth which the magisterium renders is thus for the benefit of the whole people of God called to enter the liberty of the truth revealed by God in Christ.

Jesus Christ promised the assistance of the Holy Spirit to the Church’s pastors so that they could fulfill their assigned task of teaching the Gospel and authentically interpreting Revelation. In particular He bestowed on them the charism of infallibility in matters of faith and morals. This charism is manifested when the pastors propose a doctrine as contained in Revelation and can be exercised in various ways. Thus it is exercised particularly when the bishops in union with their visible head proclaim a doctrine by a collegial act, as is the case in an ecumenical council or when the Roman pontiff, fulfilling his mission as

^{*} *Dei Verbum*. 7.

Cf Congregation for the Doctrine of the Faith. *Mysterium Ecclesiae*. 2; AAS 65 (1973). 398f.

^{††} Cf. *Dei Verbum*, 10.

[‡] *Lumen gentium*, 24.

Dei Verbum. 10.

supreme pastor and teacher of all Christians, proclaims a doctrine “ex cathedra.”¹³

By its nature, the task of religiously guarding and loyally expounding the deposit of divine Revelation (in all its integrity and purity), implies that the magisterium can make a pronouncement “in a definitive way”¹⁴ on propositions which, even if not contained among the truths of faith, are nonetheless intimately connected with them in such a way that the definitive character of such affirmations derives in the final analysis from Revelation itself.¹⁵

What concerns morality can also be the object of the authentic magisterium because the Gospel, being the word of life, inspires and guides the whole sphere of human behavior. The magisterium, therefore, has the task of discerning by means of judgments normative for the consciences of believers those acts which in themselves conform to the demands of faith and foster their expression in life and those which, on the contrary, because intrinsically evil, are incompatible with such demands. By reason of the connection between the orders of creation and redemption, and by reason of the necessity, in view of salvation, of knowing and observing the whole moral law, the competence of the magisterium also extends to that which concerns the natural law.¹⁶

Revelation also contains moral teachings which per se could be known by natural reason. Access to them, however, is made difficult by man's sinful condition. It is a doctrine of faith that these moral norms can be infallibly taught by the magisterium.¹⁷

Divine assistance is also given to the successors of the apostles teaching in communion with the successor of Peter, and in a particular way to the Roman pontiff as pastor of the whole Church, when exercising their ordinary magisterium, even should this not issue in an infallible definition or in a “definitive” pronouncement but in the proposal of some teaching which leads to a better understanding of Revelation in matters of faith and morals and to moral directives derived from such teaching.

One must therefore take into account the proper character of every exercise of the magisterium, considering the extent to which its authority is engaged. It is also to be borne in mind that all acts of the magisterium derive from the same source, that is, from Christ, who desires that his people walk in the entire truth. For this same reason, magisterial decisions in matters of discipline, even if they are not guaranteed by the charism of infallibility, are not without divine assistance and call

¹³ Cf. *Lumen gentium*. 25; *Mysterium Ecclesiae*. 3.

¹⁴ Cf. Profession of Faith and oath of fidelity: AAS 81 (1989): 104f; *omnia et singula quae circa doctrinam de fide vel moribus ad eadem definitive proponuntur.* "

¹⁵ Cf. *Lumen gentium*. 25; *Mysterium Ecclesiae*. 3-5. profession of faith and oath of fidelity AAS 81 (1989): 104f

¹⁶ Paul VI, *Humanae Vitae*. 4: AAS 60 (1968): 483.

Cf. Vatican Council I. *Dei Filius*. Ch. 2: DS 3005

for (he adherence of (he faithful.

The Roman pontiff fulfills his universal mission with the help of the various bodies of the Roman Curia and in particular with that of the Congregation for the Doctrine of the Faith in matters of doctrine and morals. Consequently, the documents issued by this congregation expressly approved by the pope participate in the ordinary magisterium of the successor of Peter.¹⁸

Within the particular Churches, it is the bishop's responsibility to guard and interpret the word of God and to make authoritative judgments as to what is or is not in conformity with it. The teaching of each bishop, taken individually, is exercised in communion with the Roman pontiff, pastor of the universal Church, and with the other bishops dispersed throughout the world or gathered in an ecumenical council. Such communion is a condition for its authenticity.

Member of the episcopal college by virtue of his sacramental ordination and hierarchical communion, the bishop represents his Church just as all the bishops, in union with the pope, represent the Church universal in the bonds of peace, love, unity and truth. As they come together in unity, the local Churches, with their own proper patrimonies, manifest the Church's catholicity. The episcopal conferences for their part contribute to the concrete realization of the collegial spirit (*affectus*).¹⁹

The pastoral task of the magisterium is one of vigilance. It seeks to ensure that the people of God remain in the truth which sets free. It is therefore a complex and diversified reality. The theologian, to be faithful to his role of service to the truth, must take into account the proper mission of the magisterium and collaborate with it. How should this collaboration be understood? How is it put into practice and what are the obstacles it may face? These questions should now be examined more closely.

The Magisterium and Theology

A. *Collaborative relations*

The living magisterium of the Church and theology, while having different gifts and functions, ultimately have the same goal: preserving the people of God in the truth which sets free and thereby making them "a light to the nations." This service to the ecclesial community brings the theologian and the magisterium into a reciprocal relationship. The latter authentically teaches the doctrine of the apostles. And, benefiting from the work of theologians, it refutes objections to and

¹⁸ Cf. *Code of Canon Law*, cc. 360-361; Paul VI, *Regimini Ecclesiae Universae*, 29-40, Aug. 15, 1967: AAS 59 (1967): 879-899; John Paul II, *Pastor Bonus*, June 28, 1988 AAS 80 (1988) pp. 873-974.

¹⁹ *Lumen gentium* 22-23. As it is known, following upon the second extraordinary Synod of Bishops, the Holy Father gave the Congregation for Bishops the task of exploring the "theological-juridical status of episcopal conferences."

distortions of the faith and promotes, with the authority received from Jesus Christ, new and deeper comprehension, clarification and application of revealed doctrine. Theology, for its part, gains by way of reflection an ever deeper understanding of the word of God found in the Scripture and handed on faithfully by the Church's living tradition under the guidance of the magisterium. Theology strives to clarify the teaching of Revelation with regard to reason and gives it finally an organic and systematic form.”²⁰

Collaboration between the theologian and the magisterium occurs in a special way when the theologian receives the canonical mission or the mandate to teach. In a certain sense, such collaboration becomes a participation in the work of the magisterium, linked as it then is by a juridic bond. The theologian's code of conduct, which obviously has its origin in the service of the word of God, is here reinforced by the commitment the theologian assumes in accepting his office, making the profession of faith and taking the oath of fidelity.²¹

From this moment on, the theologian is officially charged with the task of presenting and illustrating the doctrine of the faith in its integrity and with full accuracy.

When the magisterium of the Church makes an infallible pronouncement and solemnly declares that a teaching is found in Revelation, the assent called for is that of theological faith. This kind of adherence is to be given even to the teaching of the ordinary and universal magisterium when it proposes for belief a teaching of faith as divinely revealed.

When the magisterium proposes “in a definitive way” truths concerning faith and morals, which even if not divinely revealed are nevertheless strictly and intimately connected with Revelation, these must be firmly accepted and held.²²

When the magisterium, not intending to act “definitively,” teaches a doctrine to aid a better understanding of Revelation and make explicit its contents, or to recall how some teaching is in conformity with the truths of faith or finally to guard against ideas that are incompatible with these truths, the response called for is that of the religious submission of will and intellect.²¹ This kind of response cannot be simply exterior or disciplinary, but must be understood within the logic of faith and under the impulse of obedience to the faith.

Finally, in order to serve the people of God as well as possible, in particular by warning them of dangerous opinions which could lead to error, the magisterium can intervene in questions under discussion which involve, in addition to solid

Paul VI, "Address to International Congress on the Theology of Vatican Council II." Oct. 1. 1966 *Insegnamenti di Paolo VI*, AAS 58 (1966): 892f.

²¹ Cf c. 833; profession of faith and oath of fidelity.

The (extol the new profession of faith (cf. no. 15) makes explicit the kind of assent called for by these teachings in these terms: “*Firmiter eiam amplector et retineo*”

²² Cf *Lumen gentium*, 25; c. 752.

principles, certain contingent and conjectural elements. It often only becomes possible with the passage of time to distinguish between what is necessary and what is contingent.

The willingness to submit loyally to the teaching of the Magisterium on matters *per se* not irreformable must be the rule. It can happen, however, that a theologian may, according to the case, raise questions regarding the timeliness, the form or even the contents of magisterial interventions.

Here the theologian will need, first of all, to assess accurately the authoritativeness of the interventions, which becomes clear from the nature of the documents, the insistence with which a teaching is repeated and the very way in which it is expressed.²⁴

When it comes to the question of interventions in the prudential order, it could happen that some magisterial documents might not be free from all deficiencies. Bishops and their advisers have not always taken into immediate consideration every aspect or the entire complexity of a question. But it would be contrary to the truth if, proceeding from some particular cases, one were to conclude that the Church's magisterium can be habitually mistaken in its prudential judgments or that it does not enjoy divine assistance in the integral exercise of its mission. In fact, the theologian, who cannot pursue his discipline well without a certain competence in history, is aware of the filtering which occurs with the passage of time. This is not to be understood in the sense of a relativization of the tenets of the faith. The theologian knows that some judgments of the magisterium could be justified at the time in which they were made, because while the pronouncements contained true assertions and others which were not sure, both types were inextricably connected. Only time has permitted discernment and, after deeper study, the attainment of true doctrinal progress.

Even when collaboration takes place under the best conditions the possibility cannot be excluded that tensions may arise between the theologian and the magisterium. The meaning attributed to such tensions and the spirit with which they are faced are not matters of indifference. If tensions do not spring from hostile and contrary feelings, they can become a dynamic factor, a stimulus to both the magisterium and theologians to fulfill their respective roles while practicing dialogue.

In the dialogue a twofold rule should prevail. When there is a question of the communion of faith, the principle of the "unity of truth" (*unitas veritatis*) applies. When it is a question of differences which do not jeopardize this communion, the "unity of charity" (*unitas caritatis*) should be safeguarded.

Even if the doctrine of the faith is not in question the theologian will not present his own opinions or divergent hypotheses as though they were non-arguable conclusions. Respect for the truth as well as for the people of God requires this

discretion (cf. Rom 14:1-15; 1 Cor 8; 10:23-33). For the same reasons, the theologian will refrain from giving untimely public expression to them.

The preceding considerations have a particular application to the case of the theologian who might have serious difficulties, for reasons which appear to him well founded, in accepting a non-irreformable magisterial teaching.

Such a disagreement could not be justified if it were based solely upon the fact that the validity of the given teaching is not evident or upon the opinion that the opposite position would be the more probable. Nor, furthermore, would the judgment of the subjective conscience of the theologian justify it because conscience does not constitute an autonomous and exclusive authority for deciding the truth of a doctrine.

In any case there should never be a diminishment of that fundamental openness loyal to accept the teaching of the magisterium as is fitting for every believer by reason of the obedience of faith. The theologian will strive then to understand this teaching in its contents, arguments and purposes. This will mean an intense and patient reflection on his part and a readiness, if need be, to revise his own opinions and examine the objections which his colleagues might offer him.

If despite a loyal effort on the theologian's part the difficulties persist, the theologian has the duty to make known to the magisterial authorities the problems raised by the teaching in itself, in the arguments proposed to justify it or even in the manner in which it is presented. He should do this in an evangelical spirit and with a profound desire to resolve the difficulties. His objections could then contribute to real progress and provide a stimulus to the magisterium to propose the teaching of the Church in greater depth and with a clearer presentation of the arguments.

In cases like these, the theologian should avoid turning to the "mass media" but have recourse to the responsible authority, for it is not by seeking to exert the pressure of public opinion that one contributes to the clarification of doctrinal issues and renders service to the truth.

It can also happen that at the conclusion of a serious study, undertaken with the desire to heed the magisterium's teaching without hesitation, the theologian's difficulty remains because the arguments to the contrary seem more persuasive to him. Faced with a proposition to which he feels he cannot give his intellectual assent, the theologian nevertheless has the duty to remain open to a deeper examination of the question.

For a loyal spirit, animated by love for the Church, such a situation can certainly prove a difficult trial. It can be a call to suffer for the truth, in silence and prayer, but with the certainty that if the truth really is at stake it will ultimately prevail.

B. The problem of dissent

The magisterium has drawn attention several times to the serious harm done to the community of the Church by attitudes of general opposition to Church teaching which even come to expression in organized groups. In his apostolic exhortation "*Paterna cum Benevolentia*," Paul VI offered a diagnosis of this problem which is still apropos.¹ In particular, he addresses here that public opposition to the magisterium of the Church also called "dissent," which must be distinguished from the situation of personal difficulties treated above. The phenomenon of dissent can have diverse forms. Its remote and proximate causes are multiple.

The ideology of philosophical liberalism, which permeates the thinking of our age, must be counted among the factors which may exercise their remote or indirect influence. Here arises the tendency to regard a judgment as having all the more validity to the extent that it proceeds from the individual relying upon his own powers. In such a way freedom of thought comes to oppose the authority of tradition, which is considered a cause of servitude. A teaching handed on and generally received is a priori suspect and its truth contested. Ultimately, freedom of judgment understood in this way is more important than the truth itself. We are dealing then here with something quite different from the legitimate demand for freedom in the sense of absence of constraint as a necessary condition for the loyal inquiry into truth. In virtue of this exigency, the Church has always held that "nobody is to be forced to embrace the faith against his will."²⁶

The weight of public opinion when manipulated and its pressure to conform also have their influence. Often models of society promoted by the mass media tend to assume a normative value. The view is particularly promoted that the Church should only express her judgment on those issues which public opinion considers important and then only by way of agreeing with it. The magisterium, for example, could intervene in economic or social questions but ought to leave matters of conjugal and family morality to individual judgment.

Finally, the plurality of cultures and languages, in itself a benefit, can indirectly bring on misunderstandings which occasion disagreements.

In this context, the theologian needs to make a critical, well-considered discernment, as well as have a true mastery of the issues, if he wants to fulfill his ecclesial mission and not lose, by conforming himself to this present world (cf. Rom 12:2; Eph 4:23), the independence of judgment which should be that of the disciples of Christ.

Dissent has different aspects. In its most radical form, it aims at changing the Church following a model of protest which takes its inspiration from political

¹ Cf. Paul VI. *Paterna cum Benevolentia*. Dec. 8. 1974: AAS 67 (1975): 5-23; cf. also *Mysterium Ecclesiae*: AAS 65 (1973): 396-408.

Dignitatis Humanae. 10

society. More frequently, it is asserted that the theologian is not bound to adhere to any magisterial teaching unless it is infallible. Thus a kind of theological positivism is adopted, according to which doctrines proposed without exercise of the charism of infallibility are said to have no obligatory character about them, leaving the individual completely at liberty to adhere to them or not. The theologian would accordingly be totally free to raise doubts or reject the non-infallible teaching of the magisterium, particularly in the case of specific moral norms. With such critical opposition, he would even be making a contribution to the development of doctrine.

Dissent is generally defended by various arguments, two of which are more basic in character. The first lies in the order of hermeneutics. The documents of the magisterium, it is said, reflect nothing more than a debatable theology. The second takes theological pluralism sometimes to the point of a relativism which calls the integrity of the faith into question. Here the interventions of the magisterium would have their origin in one theology among many theologies, while no particular theology, however, could presume to claim universal normative status. In opposition to and in competition with the authentic magisterium, there thus arises a kind of “parallel magisterium” of theologians.²⁷

Certainly, it is one of the theologian’s tasks to give a correct interpretation to the texts of the magisterium, and to this end he employs various hermeneutical rules. Among these is the principle which affirms that magisterial teaching, by virtue of divine assistance, has a validity beyond its argumentation, which may derive at times from a particular theology. As far as theological pluralism is concerned, this is only legitimate to the extent that the unity of the faith in its objective meaning is not jeopardized.²⁸ Essential bonds link the distinct levels of unity of faith, unity-plurality of expressions of the faith and plurality of theologies. The ultimate plurality is found in the unfathomable mystery of Christ, who transcends every objective systematization. This cannot mean that it is possible to accept conclusions contrary to that mystery, and it certainly does not put into question the truth of those assertions by which the magisterium has declared itself.²⁹ As to the “parallel magisterium,” it can cause great spiritual harm by opposing itself to the magisterium of the pastors. Indeed, when dissent succeeds in extending its influence to the point of shaping a common opinion, it tends to

The notion of a “parallel magisterium” of theologians in opposition to and in competition with the magisterium of the pastors is sometimes supported by reference to some texts in which St Thomas Aquinas makes a distinction between the *magisterium cathedrae pastoralis* and *magisterium cathedrae ministerialis* (*Contra impugnantes*, c. 2; *Quodlib.*, VI, q. 4, a. 1 [9]; *In IV Sent.* 19, 2.2, q. 3 sol. 2 ad 4). Actually these texts do not give any support to this position for St Thomas was absolutely certain that the right to judge in matters of doctrine was the sole responsibility of (he *officium Praelationis*.

* *Paterna cum Benevolentia*, 4.

Cf Paul VI, “Address to International Theological Commission,” Oct. 11, 1973, A.4S(1973): 555-559.

become the rule of conduct. This cannot but seriously trouble the people of God and lead to contempt for true authority."

Dissent sometimes also appeals to a kind of sociological argumentation which holds that the opinion of a large number of Christians would be a direct and adequate expression of the "supernatural sense of the faith."

Actually, the opinions of the faithful cannot be purely and simply identified with the "*sensus fidei*."¹ The sense of the faith is a property of theological faith; as God's gift which enables one to adhere personally to the truth, it cannot err. This personal faith is also the faith of the Church, since God has given guardianship of the word to the Church. Consequently, what the believer believes is what the Church believes. The "*sensus fidei*" implies then by its nature a profound agreement of spirit and heart with the Church, "*sentire cum Ecclesia*."

Although theological faith as such then cannot err, the believer can still have erroneous opinions since all his thoughts do not spring from faith.² Not all the ideas which circulate among the people of God are compatible with the faith. This is all the more so given that people can be swayed by a public opinion influenced by modern communications media. Not without reason did the Second Vatican Council emphasize the indissoluble bond between the "*sensus fidei*" and the guidance of God's people by the magisterium of the pastors. These two realities cannot be separated." Magisterial interventions serve to guarantee the Church's unity in the truth of the Lord. They aid her to "abide in the truth" in face of the arbitrary character of changeable opinions and are an expression of obedience to the word of God.³ Even when it might seem that they limit the freedom of theologians, these actions, by their fidelity to the faith which has been handed on, establish a deeper freedom which can only come from unity in truth.

The freedom of the act of faith cannot justify a right to dissent. In fact this freedom does not indicate at all freedom with regard to the truth, but signifies the free self-determination of the person in conformity with his moral obligation to accept the truth. The act of faith is a voluntary act because man, saved by Christ

¹ Cf. John Paul II. *Redemptor Hominis*. 19; "Address to the Faithful of Managua," 7, March 4, 1983: AAS 75 (1983): 723; "Address to the Religious of Guatemala," 3, March 8, 1983: AAS 75 (1983): 746; "Address to the Bishops at Lima," 5, Feb. 2, 1985: AAS 77 (1985): 874; "Address to Belgian Bishops at Malines," 5, May 18, 1985: *Insegnamenti di Giovanni Paolo II*. VIII, 1 (1985), 1481; "Address to Sante American Bishops on *ad Limina* Visits," 6, Oct. 15, 1988: *L'Osservatore Romano*, (Oct 16, 1988): 4.

² Cf. John Paul II. *Familiaris Consortio*, 5: AAS 74 (1982): 85-86.

³ Cf. the formula of the Council of Trent, Sess. VI, Cap. 9: *fides "cui non potest subesse falsum"* cf. St. Thomas Aquinas, *Summa Theologiae*. II-II. q. I. a. 3, ad 3: "*Possibile est enim hominem fidelem ex coniectura humana falsum aliquid aestimare. Sed quod ex fide falsum aestimet, hoc est impossibile.*"

⁴ Cf. *Lumen gentium*. 12.

⁵ *Dei Verbum*, 10.

the redeemer and called by him to be an adopted son (cf, Rom 8:15; Gal 4:5; Eph 1:5; Jn 1:12), cannot adhere to God unless, “drawn by the Father” (Jn 6:44), he offers God the rational homage of his faith (cf. Rom 12:1). As the declaration “*Dignitatis Humanae*” recalls, “no human authority may overstep the limits of its competence and claim the right to interfere with this choice by exerting pressure or constraint. Respect for religious liberty is the foundation of respect for all the rights of man.”

One cannot then appeal to these rights of man in order to oppose the interventions of the magisterium. Such behavior fails to recognize the nature and mission of the Church which has received from the Lord the task to proclaim the truth of salvation to all men. She fulfills this task by walking in Christ’s footsteps, knowing that “truth can impose itself on the mind only by virtue of its own truth, which wins over the mind with both gentleness and power.”⁵⁶ By virtue of the divine mandate given to it in the Church, the magisterium has the mission to set forth the Gospel’s teaching, guard its integrity and thereby protect the faith of the people of God. In order to fulfill this duty, it can at times be led to take serious measures as, for example, when it withdraws from a theologian who departs from the doctrine of the faith the canonical mission or the teaching mandate it had given him or declares that some writings do not conform to this doctrine. When it acts in such ways, the magisterium seeks to be faithful to its mission of defending the right of the people of God to receive the message of the Church in its purity and integrity and not be disturbed by a particular dangerous opinion.

The judgment expressed by the magisterium in such circumstances is the result of a thorough investigation conducted according to established procedures which afford the interested party the opportunity to clear up possible misunderstandings of his thought. This judgment, however, does not concern the person of the theologian, but the intellectual positions which he has publicly espoused. The fact that these procedures can be improved does not mean that they are contrary to justice and right. To speak in this instance of a violation of human rights is out of place for it indicates a failure to recognize the proper hierarchy of these rights as well as the nature of the ecclesial community and her common good. Moreover, the theologian who is not disposed to think with the Church (*sentire cum ecclesia*) contradicts the commitment he freely and knowingly accepted to teach in the name of the Church?⁷

Finally, argumentation appealing to the obligation to follow one’s own conscience cannot legitimate dissent. This is true first of all, because conscience illumines the practical judgment about a decision to make, while here we are concerned with the truth of a doctrinal pronouncement. This is furthermore the

⁵⁶ “*Dignitatis Humanae*, 9-10.

⁷ “*Ibid.*, 1

Cf John Paul II. *Sapientia Christiana*, 27. April 15, 1979 AAS 71 (1979): 483: c. 812.

case because, while the theologian, like every believer, must follow his conscience, he is also obliged to form it. Conscience is not an independent and infallible faculty. It is an act of moral judgment regarding a responsible choice. A right conscience is one duly illumined by faith and by the objective moral law, and it presupposes as well the uprightness of the will in the pursuit of the true good.

The right conscience of the Catholic theologian presumes not only faith in the word of God, whose riches he must explore, but also love for the Church, from whom he receives his mission, and respect for her divinely assisted magisterium. Setting up a supreme magisterium of conscience in opposition to the magisterium of the Church means adopting a principle of free examination incompatible with the economy of Revelation and its transmission in the Church and thus also with a correct understanding of theology and the role of the theologian. The propositions of faith are not the product of mere individual research and free criticism of the word of God, but constitute an ecclesial heritage. If there occurs a separation from the bishops who watch over and keep the apostolic tradition alive, it is the bond with Christ which is irreparably compromised?⁸

The Church, which has her origin in the unity of the Father, Son and Holy Spirit, ' is a mystery of communion. In accordance with the will of her founder, she is organized around a hierarchy established for the service of the Gospel and the people of God who live by it. After the pattern of the members of the first community, all the baptized with their own proper charisms are to strive with sincere hearts for a harmonious unity in doctrine, life and worship (cf. Acts 2:42). This is a rule which flows from the very being of the Church. For this reason, standards of conduct appropriate to civil society or the workings of a democracy cannot be purely and simply applied to the Church. Even less can relationships within the Church be inspired by the mentality of the world around it (cf. Rom 12:2). Polling public opinion to determine the proper thing to think or do, opposing the magisterium by exerting the pressure of public opinion, making the excuse of a "consensus" among theologians, maintaining that the theologian is the prophetic spokesman of a "base" or autonomous community which would be the source of all truth, all this indicates a grave loss of the sense of truth and of the sense of the Church.

The Church "is like a sacrament, a sign and instrument that is, of communion with God and of unity among all men."⁴ Consequently, to pursue concord and communion is to enhance the force of her witness and credibility. To succumb to the temptation of dissent, on the other hand, is to allow the "leaven of infidelity to the Holy Spirit" to start to work.⁴¹

Palema cum Benevolentia. 4.

¹ *Lumen gentium.* 4

⁴⁰ Ibid . I.

⁴ *Paterna cum Benevolentia.* 2-3.

To be sure, theology and the magisterium are of diverse natures and missions and cannot be confused. Nonetheless, they fulfill two vital roles in the Church which must interpenetrate and enrich each other for the service of the people of God.

It is the duty of the pastors by virtue of the authority they have received from Christ himself to guard this unity and to see that the tensions arising from life do not degenerate into divisions. Their authority, which transcends particular positions and oppositions, must unite all in the integrity of the Gospel, which is the “word of reconciliation” (cf. 2 Cor 5:18-20).

As for theologians, by virtue of their own proper charisms, they have the responsibility of participating in the building up of Christ’s body in unity and truth. Their contribution is needed more than ever, for evangelization on a world scale requires the efforts of the whole people of God.⁴² If it happens that they encounter difficulties due to the character of their research, they should seek their solution in trustful dialogue with the pastors in the spirit of truth and charity which is that of the communion of the Church.

Both bishops and theologians will keep in mind that Christ is the definitive word of the Father (cf. Heb 1:2) in whom, as St. John of the Cross observes. “God has told us everything all together and at one time.”⁴³ As such, he is the truth who sets us free (cf. Jn 8:36; 14:6). The acts of assent and submission to the word entrusted to the Church under the guidance of the magisterium are directed ultimately to Him and lead us into the realm of true freedom.

Conclusion

The Virgin Mary is mother and perfect icon of the Church. From the very beginnings of the New Testament, she has been called blessed because of her immediate and unhesitating assent of faith to the word of God (cf. Lk 1:38. 45), which she kept and pondered in her heart (cf. Lk 2:19, 51). Thus did she become a model and source of help for all of the people of God entrusted to her maternal care. She shows us the way to accept and serve the word. At the same time, she points out the final goal on which our sights should ever be set. the salvation won for the world by her Son Jesus Christ, which we are to proclaim to all men.

At the close of this instruction, the Congregation for the Doctrine of the Faith earnestly invites bishops to maintain and develop relations of trust with theologians in the fellowship of charity and in the realization that they share one spirit in their acceptance and service of the word. In this context, they will more easily overcome some of the obstacles which are part of the human condition on earth. In this way all can become ever better servants of the word and of the people of God. so that

⁴² John Paul II, *Christifideles Laici*, 32-35: AAS 81(1989): 451-459.

⁴³ St. John of the Cross. *Ascent of Mount Carmel*, II. 22. 3.

the people of God, persevering in the doctrine of truth and freedom heard from the beginning, may abide also in the Son and the Father and obtain eternal life, the fulfillment of the promise (cf. 1 Jn 2:24-25).

This instruction was adopted at an ordinary' meeting of the Congregation for the Doctrine of the Faith and was approved at an audience granted to the undersigned cardinal prefect by the supreme pontiff Pope John Paul II, who ordered its publication.

Given at Rome, at the Congregation for the Doctrine of the Faith, on May 24, 1990, the solemnity of the Ascension of the Lord.

CDF, 24 May 1990, instruction. AAS 82 (1990): 1550-1570; TPS 35 (1990): 388-403; *Origins* 20 (1990): 117, 119-126.

Assent regarding Moral Theology:

John Paul II. address. 12 November 1988, TPS 34 (1989): 97-102.

CANON 754

Obligations of Christian Faithful:

"Faith and Inculturation." ITC. published May 4, 1989 in *Origins* 18 (1988): 800-807.

CDF "On Christian Liberation and Freedom." instruction, 22 March 1986. AAS 79 (1987): 554-559; *Origins* 15(1986): 713, 715-728.

CANON 755

A Meeting of the Pope and Canterbury's Archbishop. Private.

Common Declaration, 20 December 1984:

After worshipping together in the Basilica of St. Peter and in the Church of St. Gregory, from where St. Augustine of Canterbury was sent by St. Gregory the Great to England, Pope John Paul II, bishop of Rome, and His Grace Robert Runcie, archbishop of Canterbury, now meet again to pray together in order to give fresh impetus to the reconciling mission of God's people in a divided and broken world, and to review the obstacles which still impede closer communion between the Catholic Church and the Anglican Community.

Our joint pilgrimage to the Church of St. Gregory, with its historic association with St. Augustine's mission to baptize England, reminds us that the purpose of the church is nothing other than the evangelization of all peoples, nations and cultures. We give thanks together for the readiness and openness to receive the Gospel that is especially evident in the developing world, where young Christian communities joyfully embrace the faith of Jesus Christ and vigorously express a costly witness

to the Gospel of the kingdom in sacrificial living. The word of God is received, "not as the word of man, but as what it really is, the word of God" (1 Thes 2:13). As we enter the last decade of the second millennium of the birth of Jesus Christ, we pray together for a new evangelization throughout the world, not least in the continent of St. Gregory and St. Augustine where the progressive secularization of society erodes the languages of faith and where materialism demeans the spiritual nature of humankind.

It is in such a perspective that the urgent quest for Christian unity must be viewed, for the Lord Jesus Christ prayed for the unity of his disciples "so that the world may believe" (Jn 17:21). Moreover Christian disunity has itself contributed to the tragedy of human division throughout the world. We pray for peace and justice, especially where religious differences are exploited for the increase of strife between communities of faith.

Against the background of human disunity must be pursued with determination and vigor, whatever obstacles are perceived to block the path. We here solemnly recommit ourselves and those we represent to the restoration of visible unity and full ecclesial communion in the confidence that to seek anything less would be to betray our Lord's intention for the unity of his people.

This is by no means to be unrealistic about the difficulties facing our dialogue at the present time. When we established the Second Anglican-Roman Catholic International Commission in Canterbury in 1982, we were well aware that the commission's task would be far from easy. The convergence achieved within the report of the First Anglican-Roman Catholic International Commission have happily now been accepted by the Lambeth Conference of the bishops of the Anglican Communion. This report is currently also being studied by the Catholic Church with a view to responding to it. On the other hand, the question and practice of the admission of women to the ministerial priesthood in some provinces of the Anglican Communion prevents reconciliation between us even where there is otherwise progress toward agreement in faith on the meaning of the Eucharist and the ordained ministry. These differences in faith reflect important ecclesiological differences, and we urge the members of the Anglican-Roman Catholic International Commission and all others engaged in prayer and work for visible unity not to minimize these differences. At the same time we also urge them not to abandon either their hope or work for unity. At the beginning of the dialogue established here in Rome in 1966 by our beloved predecessors Pope Paul VI and Archbishop Michael Ramsey, no one saw clearly how long-inherited divisions would be overcome and how unity in faith might be achieved. No pilgrim knows in advance all the steps along the path. St. Augustine of Canterbury set out from Rome with his band of monks for what was then a distant corner of the world. Yet Pope Gregory was soon to write of the baptism of the English and of "such great miracles . . . that they seemed to imitate the powers of the apostles" (Letter of Gregory the Great to Eulogius of Alexandria). While we ourselves do not see

a solution to this obstacle, we are confident that through our engagement with this matter our conversations will in fact help to deepen and enlarge our understanding. We have this confidence because Christ promised that the Holy Spirit, who is the Spirit of Truth, will remain with us forever (cf. Jn 14:16-17).

We also urge our clergy and faithful not to neglect or undervalue that certain, yet imperfect, communion we already share. This communion already shared is grounded in faith in God our Father, in our Lord Jesus Christ and in the Holy Spirit; our common baptism into Christ; our sharing of the Holy Scriptures, of the Apostles' and Nicene creeds; the Chalcedonian definition and the teaching of the Fathers; our common Christian inheritance for many centuries. This communion should be cherished and guarded as we seek to grow into the fuller communion Christ wills. Even in the years of our separation we have been able to recognize gifts of the Spirit in each other. The ecumenical journey is not only about the removal of obstacles, but also about the sharing of gifts.

As we meet together today we have also in our hearts those other churches and ecclesial communities with whom we are in dialogue. As we have said once before in Canterbury, our aim extends to the fulfillment of God's will for the visible unity of all his people.

Nor is God's will for unity limited exclusively to Christians alone. Christian unity is demanded so that the church can be a more effective sign of God's kingdom of love and justice for all humanity. In fact, the church is the sign and sacrament of the communion in Christ which God wills for the whole of his creation.

Such a vision elicits hope and patient determination, not despair or cynicism. And because such hope is a gift of the Holy Spirit we shall not be disappointed; for "the power at work within us is able to do far more abundantly than all we ask or think. To him be glory in the church in Christ Jesus to all generations, forever and ever. Amen" (Eph 3:20-21).

"Common Declaration, 20 December 1984," *Origins* 19 (1989): 316-317.

Women's Ordination and the Progress of Ecumenism. Private.

Letter of Pope John Paul II to Archbishop Robert Runcie, December 20, 1984:

The long but necessary task of evaluating the Final Report of the first Anglican/Roman Catholic International Commission, in which both our communions are now engaged, is a vital part of that journey of faith on which we have embarked together in our efforts to re-establish full ecclesial communion. It has been a joy to learn how seriously this task is being taken in so many countries and how this study is frequently associated with joint action and common witness which express, as far as possible, the degree of communion which has already been brought about between us by the *grace* of God.

This degree of communion, indeed God's very call to us to be one, also bids us face frankly the differences which still separate us. While the Catholic Church must always be sensitive to the heritage which she has in common with other Christians, she must nevertheless base frank and constructive dialogue upon clarity regarding her own positions.

It was in this spirit that, in an important exchange of letters in 1975-1976, Pope Paul VI affirmed to Archbishop Coggan the position of the Catholic Church concerning the admission of women to priestly ordination, a step at that time being considered by several churches of the Anglican Communion. The reasons that he then stated briefly for the Catholic Church's adherence to the long tradition on this matter were set out at length by the Sacred Congregation for the Doctrine of the Faith in the declaration *inter Insigniores oīOc\.* 15, 1976. This same position was again stated clearly by observers from the Secretariat for Promoting Christian Unity during the hearing on this subject at the Lambeth Conference of 1978.

I know that Your Grace is well aware of the position of the Catholic Church and of the theological grounds which lead her to maintain it; indeed I am grateful that in the recent debate in the General Synod of the Church of England you referred to the implications of this question for Anglican relations with the Catholic and Orthodox churches. But the outcome of that debate prompts me to reaffirm with all brotherly frankness the continuing adherence of the Catholic Church to the practice and principles so clearly stated by Pope Paul VI.

With his well-known affection for the Anglican Communion and his deep desire for Christian unity, it was with profound sadness that Pope Paul VI contemplated a step which he saw as introducing into our dialogue "an element of grave difficulty," even "a threat." Since that time we have celebrated together the progress toward reconciliation between our two communions. But in those same years the increase in the number of Anglican churches which admit or are preparing to admit women to priestly ordination constitutes, in the eyes of the Catholic Church, an increasingly serious obstacle to that progress.

Pope Paul VI stated that "obstacles do not destroy mutual commitment to a search for reconciliation." We too were "encouraged by our reliance on the grace of God and by all that we have seen of the power of that grace in the ecumenical movement of our time" when we set up the new commission, whose task includes study of "all that hinders the mutual recognition of the ministries of our two communions" (Common Declaration, May 29, 1982, No. 3). It is in that same hope, in the charity that "hopes all things" (1 Cor 13:7) but which seeks the unity of Christ's body by "speaking the truth in love" (Eph 4:15), that I write these words to you, my dear brother, as we celebrate the birth of the Lord who came in "the fullness of time to unite all things" (Eph 1:10).

Letter of Archbishop Robert Runcie to Pope John Paul II, December 11, 1985:

The churches of the Anglican Communion and the Roman Catholic Church are fully committed to the quest for full ecclesial unity. No one, however, anticipates that the path toward unity will be without difficulties. One such difficulty, I fully recognize, is the difference of thinking and action about the ordination of women to the ministerial priesthood.

The receipt of your letter of December last year on this question therefore prompted me to confidential consultation with the primates of the autonomous provinces of the Anglican Communion throughout the world. They also judged your letter to be of great importance and by various means themselves sought the counsel of their own provinces. Accordingly it is only now that I am able to make a substantive reply to your letter in the light of the responses I have received from the different parts of the Anglican Communion.

Before all else I want to thank Your Holiness for the constructive and frank character of your letter. The question of the admission of women to the ministerial priesthood is a divisive matter not only between our churches but also within them. It is surely a sign of both the seriousness and the maturity of Anglican/Roman Catholic relations that we can exchange letters on a subject surrounded by controversy. I read your letter as an expression of that responsibility in pastoral care for the unity of all God's people which is part of the office of the bishop of Rome. You may be certain that I received your letter in the same spirit of brotherly love with which it was sent and also intend this reply to reflect that "speaking the truth in love" of which your letter spoke.

In this fraternal spirit I am bound to report that – although Anglican opinion is itself divided – those churches which have admitted women to priestly ministry have done so for serious doctrinal reasons. I have therefore felt an obligation to explain this more fully in a letter to His Eminence Cardinal Jan Willebrands, president of the Vatican Secretariat for Promoting Christian Unity, whose recent letter to the co-chairmen to the Anglican-Roman Catholic International Commission now raises the discussion of the reconciliation of ministries to some prominence in the theological dialogue between our churches. I fully realize what a serious obstacle the actual admission of women to the priesthood appears to place in the way of such a possibility.

I would therefore propose to Your Holiness the urgent need for a joint study of the question of the ordination of women to the ministerial priesthood, especially in respect of its consequences for the mutual reconciliation of our churches and the recognition of their ministries. Indeed such a study seems already implicit in the mandate of the Anglican/Roman Catholic International Commission expressed in our common declaration at Canterbury of May 29, 1982.

Though the difficulty is grave, to face it together would. I suggest, give real substance to the hope expressed at the end of your letter. While neither of us can

underestimate the seriousness of this obstacle, I know that we are both convinced that our two communions ought to maintain the mature trust in each other which has been built up over recent years. Because we have a grave responsibility to continue and intensify our cooperation and dialogue in everything which promotes our growth toward unity, there is a special obligation to tackle such a potentially serious difficulty. In this I believe our two communities will be sustained by their hope and confidence in the Holy Spirit, who alone can bring unity to fulfillment – a fulfillment we need to strive for without wearying and to receive in humility as his gift.

Letter of Archbishop Robert Runcie to Cardinal Johannes Willebrands, December 18, 1985:

The letter sent to me by His Holiness Pope John Paul II of December last year concerning the question of the admission of women to priestly ordination is one of great importance and weight. As I have explained to His Holiness, I have needed time for reflection and consultation within the Anglican Communion before making a considered and substantive reply. I am deeply conscious that such a letter would not have been written if the churches of the Anglican Communion and the Roman Catholic Church were not deeply committed to the search for ecclesial unity and that the far-reaching progress already achieved may appear to be checked by the actual admission of women to the priesthood in some Anglican provinces – and its possibility in others including the Church of England.

In my letter to the Holy Father I have stated that those provinces which have acted in this matter have done so for serious doctrinal reasons. I have also said to the Holy Father that I feel an obligation to explain this more fully to you both out of respect for the integrity of those Anglican provinces which have so acted and because an authentic ecumenical dialogue must be built upon the utmost candor as well as charity. It is my sincere hope that this letter will help the Roman Catholic Church to interpret the opinions and actions of the churches of the Anglican Communion more intelligibly and sympathetically, while still dissenting from the position of some Anglican provinces in admitting women to the ministerial priesthood.

In the first place it must be said that the Holy Father's statement of the position of the Roman Catholic Church will clarify the dialogue between our churches. Those responsible for the dialogue between us will be able to pursue their task more realistically by knowing that the position of the Catholic Church remains the same as it was in the exchange of letters between Pope Paul VI and my predecessor, and more fully set out in the declaration of the Sacred Congregation of the Faith *Inter Insigniores* of 1976. Ecumenical dialogue must be based on the presentation of the authentic positions of the churches. While some Roman Catholic theologians may have suggested otherwise to Anglicans, I understand the

Holy Father's letter as affirming that the Roman Catholic Church believes that it has no right to change a tradition unbroken throughout the history of the church, universal in the East and in the West, and considered to be truly apostolic.

On the Anglican side there has been a growing conviction that there exist in Scripture and tradition no fundamental objections to the ordination of women to the ministerial priesthood. This has been expressed synodically by a number of provinces. Within the internal debate upon this matter – a debate which has developed with growing intensity for over 40 years – Anglicans would generally doubt whether the New Testament by itself alone permits a clear settlement of the issue once and for all.

When we turn to the tradition of the universal church, those Anglican provinces which have proceeded to the ordination of women to the presbyterate have done so with the sincere conviction that the tradition is open to this development because the exclusion of women from priestly ministry cannot be proved to be of “divine law.” Nor have they intended to depart from the traditional understanding of apostolic ministry. Nevertheless, I recognize that in view of the universal tradition of East and West it is insufficient simply to state that there are no fundamental reasons against the admission of women to the priesthood. For so significant a theological development it is not enough to assert that there are no reasons *against* such a proposed action. It is also necessary to demonstrate compelling doctrinal reasons *for* such a development.

Leaving aside sociological and cultural considerations, as these bear mainly upon the question of whether such ordinations would be opportune, I feel an obligation to report to Your Eminence what I consider to be the most substantial doctrinal reason, which is seen not only to justify the ordination of women to the priesthood by some Anglican provinces, but actually to require it. The fundamental principle of the Christian economy of salvation – upon which there is no question of disagreement between Anglicans and Roman Catholics – is that the Eternal Word assumed our human flesh in order that through the passion, resurrection and ascension of the Lord Jesus Christ this same humanity might be redeemed and taken up into the life of the triune Godhead. In words common to both our liturgical traditions: “As he came to share in our humanity, so we may share in the life of his divinity.”

It is also common ground between us that the humanity taken by the Word, and now the risen and ascended humanity of the Lord of all creation, must be a humanity inclusive of women, if half the human race is to share in the redemption he won for us on the cross.

Some Anglicans would, however, then go on to point to the representative nature of the ministerial priesthood. They would argue that priestly character lies precisely in the fact that the priest is commissioned by the church in ordination to represent the priestly nature of the whole body and also – especially in the presidency of the Eucharist – to stand in a special sacramental relationship with

Christ as high Priest in whom complete humanity is redeemed and who ever lives to make intercession for us at the right hand of the Father. Because the humanity of Christ our high priest includes male and female, it is thus urged that the ministerial priesthood should now be opened to women in order the more perfectly to represent Christ's inclusive high priesthood.

This argument makes no judgment upon the past, but is strengthened today by the fact that the representational nature of the ministerial priesthood is actually weakened by a solely male priesthood, when exclusively male leadership has been largely surrendered in many human societies.

I must also say something of the experience of those Anglican churches which have taken the step of admitting women to the ministerial priesthood. While honesty compels me to acknowledge deep division on this matter among Anglicans – even to the extent of tensions which strain the bonds of communion – those provinces which have taken this step have indicated to me that their experience has been generally beneficial. Nor have they yet heard compelling arguments to abandon this development. It is also possible that some other provinces of the Anglican Communion will take similar decisions in their respective synods.

It is, however, by no means a foregone conclusion that the General Synod of the Church of England will immediately move in such a direction, for it is not yet clear whether a sufficient consensus has been reached to effect the proposals called for by the synod last November which prompted the Holy Father's letter. Other Anglican provinces have also indicated to me that they are unlikely to ordain women in the immediate future. While Anglican diversity of opinion and practice must be a difficulty for the Roman Catholic Church. I believe it is also an indication of the fact that Anglicans are still seeking the will of God in this matter. Nor can this be discovered by either of our churches without the wider, general study and experience of the role of women in the community of the church. In this context the admission of women to the diaconate in Anglican churches is important, as is the ministry of women religious within the Roman Catholic Church.

As you already know, I am not myself convinced that action should be taken on ordination to the presbyterate by Anglicans alone, no matter how convincing the positive arguments, until there is a wider consensus in our churches. I believe the argument for ecumenical restraint is also a doctrinal one because it is only in such a wider perspective that particular churches can truly discern the mind of the whole church.

At the same time realism, together with an acquaintance with the history of the church, prompts me to recall that until such time as Christians have clearly discerned the mind of the church in matters of contention, there has often arisen sharp discussion, debate and even conflict. It is indeed through such conflict and debate that the truth is often discerned. You will already know that the question of the ordination of women to the priesthood is the occasion of such sharp debate

within the Anglican Communion at the present time. I also recognize that this development appears to be a serious obstacle to the eventual reconciliation of our churches and have expressed this in my letter to the Holy Father.

It is at such difficult times that dialogue is essential. This is especially necessary in the light of the increasingly close relationship which has developed between the churches of the Anglican communion and the Roman Catholic Church in many parts of the world and in view of the crucial stage we are reaching as we engage in the task of evaluating the Final Report of the first Anglican/Roman Catholic International Commission. It is also urgent in the light of the constructive letter you have sent to the co-chairmen of the ARCIC on the question of the reconciliation of ministries. I believe that letter provides the proper context for the dialogue I have proposed to the Holy Father. As the international commission cannot fail to have to examine the ordination of women if it is to fulfill its mandate “to study all that hinders the mutual recognition of the ministries of our communions” (Common Declaration, May 29, 1982), I also believe the commission will be the right forum for this difficult discussion. Having said this, it may be that we should envisage the possibility of some strengthening of the commission by the addition of special consultants for this particular task.

Your Eminence will know that the writing of my letters to the Holy Father and yourself has been no light matter. When sister churches have been estranged for 400 years but at last begin to see tangible signs of reconciliation, it is particularly painful to find this new obstacle between us. But in writing this fuller letter to you I have been helped by our personal friendship and by my absolute confidence in your sympathetic understanding of the Anglican position. I hope I have been able to express my consciousness of the reasons why the Roman Catholic Church finds itself unable to accept the ordination of women to the priesthood.

Though we do not yet see the way forward from what at present appears to be mutually incompatible positions – at least where some Anglican provinces have actually ordained women to the priesthood – I am given hope by the fact that those who began the doctrinal dialogue between us 20 years ago did not themselves see the end from the beginning. May the same Holy Spirit which assisted them in the search for agreement in faith and whose report both churches are in the process of evaluating and receiving also assist their successor who will, should the Holy Father be in agreement with my proposal, have the weighty responsibility of seeking a way forward.

Letter of Cardinal Willebrands to Archbishop Runcie, June 17, 1986:

I thank you most sincerely for your letter of Nov. 22, 1985, on the question of the ordination of women. Especially I thank you for setting out so clearly the reasons why those provinces of the Anglican Communion which have proceeded to ordain women to the priesthood feel justified in so doing. I acknowledge that

your letter is the fruit both of considerable reflection on your part and of consultation with the primates of the Anglican Communion. That this matter has been taken up so seriously is a measure of the confidence that exists between us and of the progress that has been made to overcome the division between Anglicans and Roman Catholics. It will be especially important for those who have the task of continuing the dialogue between our communions to understand the theological reasons why some in the Anglican Communion see the ordination of women to be justified and even required. It is equally important that something be said about the mind of the Catholic Church in relation to the ideas and arguments set out in your letter.

My purpose in this reply is not to enter in an exhaustive analysis of the questions which this problem raises. I agree with you that this issue cannot fail to arise on the agenda of the second Anglican/Roman Catholic International Commission, which has the task of studying all those things which stand in the way of mutual recognition of each other's ministries. It is in that context and in that perspective that I too would envisage further study and reflection on this question taking place.

What I would like to do is to refer to some specific points made in your letter and I wish first of all to speak to a point you make toward the end of your letter. You say that you yourself are not convinced that Anglicans should go ahead with the ordination of women "until there is a wider consensus in our churches." This observation seems to me to open up a profound theological dimension of this question. The ordination only of men to the presbyterate and episcopate is the unbroken tradition of the Catholic and Orthodox churches. Neither church understands itself to be competent to alter this tradition. In 1976 the Congregation for the Doctrine of the Faith, in the declaration *Inter Insigniores*, stated clearly that "the Catholic Church does not consider herself to be authorized to admit women to priestly ordination." The principal reason put forward in the declaration was that of tradition (cf. Nos. I-IV). The constant tradition of the Catholic and Orthodox churches has considered the practice of Christ and the apostles as a norm from which she could not deviate. The practice of the church to ordain only men embodies her fidelity under the guidance of the Holy Spirit to what was given by Christ. The declaration, together with the earlier correspondence on the subject between Pope Paul VI and Archbishop Coggan is where Catholics must look for guidance.

I am aware that some of those in the Anglican Communion who oppose the ordination of women give as their reasons that since the Anglican Communion is part of the whole Catholic Church, it cannot undertake so radical a departure from tradition independently of the Roman Catholic and the Orthodox churches. The Anglican Communion, on this view, cannot act alone and may not prescind from the practice and understanding of the wider church. I propose that this point of view merits serious reflection. The Catholic Church takes very seriously the

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considerable progress that has been made toward our eventual goal of full communion of faith and sacramental life. Our greater unity must be a fundamental concern, and it has to be stated frankly that a development like the ordination of women does nothing to deepen the communion between us and weakens the communion that currently exists. The ecclesiological implications are serious.

Having said this, I take very seriously your point that those in the Anglican Communion who have proceeded to the ordination of women have only felt able to do so on the basis of serious theological conviction. This I welcome, since it must be clearly stated that this is a theological issue and cannot be resolved on sociological or cultural grounds. The question of the rights of women to hold secular office is a quite separate matter and should not in any way be connected or paralleled with the question of women's ordination. The context for that discussion is the context of sacramental theology and the tradition of the church. My comments will, I trust, illustrate this point.

I have given considerable thought to the theological arguments for the ordination of women which you report. As I have said, I do not propose to deal in detail with this question, but I do wish to indicate why I consider these arguments to be unsatisfactory.

If I understand it correctly, the thrust of the argument is this: Christ is our high priest. The humanity he assumed to accomplish our redemption was a humanity that included both male and female. That is to say, his humanity must be understood as an inclusive humanity if the whole human race is to be able to enjoy the fruits of the redemption. Those who are commissioned as priests in the church fulfill a twofold representative function: Not only do they represent the priestly nature of the whole body of the church, they also stand in a special sacramental relationship with the risen Christ. Especially in the Eucharist, they represent Christ. Since Christ's humanity is inclusive of male and female, those who represent Christ in the church would do so more perfectly if their number included both males and females.

My first observation would be to note that the language used in this argumentation is the language of priesthood and sacrament. This makes it clear that what is at issue is precisely the question of sacramental ordination of women to the ministerial priesthood. It is important to draw attention to this, so as to make clear that this discussion is directly relevant only to those Christians who share this understanding of Christian ministry. For our two communions, the stimulus to our present correspondence is the Final Report of the Anglican/Roman Catholic International Commission (ARCIC-I). That commission claimed to have reached substantial agreement on the doctrine of ministry. So we are addressing a problem that arises in the context of real progress being made toward a common mind on the sacramental nature of ministry. In addressing this issue now, I write as one for whom the sacramental understanding of the ministry is part of the faith of the church. The issue then is the ordination of women to the priesthood and, that being

so, it is clear (hat the question of who can or cannot be ordained may not be separated from its appropriate context of sacramental theology and ecclesiology. The practice of only ordaining men to the priesthood has to be seen in the context of an ecclesiology in which the priesthood is an integral and essential aspect of (he reality of the church. It is in and through the ministry of priests that the once-for-all sacrifice of Christ is present reality. So there is real continuity between the redemptive work of Christ and the priestly office exercised both by those in the episcopal order and by their collaborators in the order of presbyters.

I do acknowledge and welcome the fact that the arguments for the ordination of women which you report are clearly arguments of those who believe deeply in the important place of the ordained ministry in God's economy of salvation. But what I must seriously question is whether they constitute an adequate or proper understanding of that economy of salvation as revealed in the Scriptures and meditated and preached in the church. I will give some indications of why I say this.

The picture of human redemption that is put before us in the Scriptures is of a God who is powerful to save and of a people who receive salvation as a free gift. Feminine imagery is used to reveal the place of the human family in God's plan of salvation. In the Old Testament, the people of Israel are depicted as the bride of Yahweh. In the New Testament St. Paul speaks of the church as the bride of Christ. In its tradition, the church has understood itself in terms of this feminine imagery and symbolism as the body which received the word of God and which is fruitful in virtue of that which has been received. Mary, the mother of God. is. in her response to the word of God, a type of the church. Christ, on the other hand, is the head of the body, and it is through the head that (he whole body is redeemed. It is precisely in this perspective that the representative role of the ministerial priesthood is to be understood.

Christ took on human nature to accomplish the redemption of all humanity. But as *Inter Insigniores* says. "We can never ignore the fact that Christ is a man." His male identity is an inherent feature of the economy of salvation, revealed in the Scriptures and pondered in the church. The ordination only of men to the priesthood has to be understood in terms of the intimate relationship between Christ the redeemer and those who, in a unique way, cooperate in Christ's redemptive work. The priest represents Christ in his saving relationship with his body the church. He does not primarily represent the priesthood of the whole people of God. However unworthy, the priest stands *in persona Christi*. Christ's saving sacrifice is made present in the world as a sacramental reality in and through the ministry of priests. And the sacramental ordination of men takes on force and significance precisely within this context of the church's experience of its own identity, of the power and significance of the person of Jesus Christ, and of the symbolic and iconic role of those who represent him in the Eucharist.

In saying this I wish simply to make the point that the arguments you relay

cannot count as reasons for the radical innovation of ordaining women to the priesthood; the arguments do not negotiate the manifold theological issues which this matter raises. The possible future consequences of introducing such a practice at this point of time also require careful attention. This topic will, of course, continue to be a matter of discussion and in the context of the Anglican/Roman Catholic dialogue the most immediate question will be about how the ordination of women in some parts of the Anglican Communion affects progress toward fuller communion between us. We may not doubt that under the power and inspiration of God, whose ways are not our ways and whose thoughts are not our thoughts, those deliberations will contribute toward the unity for which Christ prayed.

I offer you my respectful and fraternal greetings in Christ, Our Lord.

John Paul II, Archbishop Runcie, and Cardinal Willebrands, letters exchanged and released 30 June 1986, *Origins* 16(1986): 153, 155-160.

New Context for discussing Anglican Orders, 13 July 1985 Private.

Letter to Co-Presidents of ARCIC-II:

As you prepare for this year's meeting of the second Anglican-Roman Catholic International Commission, the fact that the Commission is drawing near to the conclusion of its first major study on "Church and Salvation" prompts me to write to you concerning an important aspect of your future program.

In their Common Declaration of May 29th, Pope John Paul II and Archbishop Runcie summarized the new Commission's task in words that are very familiar to you. The second of the three points set before the Commission for the continuation of the work already begun, always in the light of our two Communion's respective judgements on the Final Report of ARCIC-I, is "to study all that hinders the mutual recognition of the ministries of our two Communion's."

Of the many questions involved in this study, including that of the ordination of women to the priesthood in some Churches of the Anglican Communion, it is well known that the most fundamental and deeply-felt issue relates to the judgment of the Roman Catholic Church upon the validity of Anglican ordinations.

In the light of some recent discussions between the Secretariat for Promoting Christian Unity and the Congregation for the Doctrine of the Faith, I would ask you to draw the attention of the members of the Commission to certain aspects of the Roman Catholic Church's position in this respect. I do so in the hope that this will assist the Commission in planning the next stages of its work.

The Secretariat is well aware that the Commission has no intention of examining the question of Anglican ordinations in isolation from other issues. ARCIC-II maintains, rightly, that the mutual recognition and reconciliation of ministries can be properly studied only as a part, a vital part, of the whole process of reconciliation between our Communion's. Thus you already intend your study

(to be in the context of your more general work on “Growth in Reconciliation.”

Again, the Secretariat knows and shares the view of the Commission that such a study cannot be a purely historical one, whether of the events of the sixteenth century or of the circumstances in which Leo XIII’s Bull *Apostolicae Curae* was prepared and promulgated. History cannot be ignored, but, like its predecessor, ARCIC-II is concerned “to discover each other’s faith as it is today and appeal to history only for enlightenment.”¹

Leo XIII’s decision rested on doctrinal basis, a judgment that the doctrine concerning Eucharist and priesthood expressed in and indeed controlling the composition of the Anglican Ordinal of 1552 was such as to lead to defects both in the sacramental form and in the intention which the rite itself expressed. Because of this he maintained that the rite in the Ordinal could not be considered an adequate means for the conferring of the Sacrament of Order. Thus his decision that the orders thus conferred were invalid rested above all on what he described as the “*nativa indoles ac spiritus*” (“native character and spirit”) of the Ordinal as a whole.

Pope Leo saw this “*nativa indoles*” as indicated by the deliberate omission from the 1552 Ordinal of all references to some of the principal axes of Catholic teaching concerning the relationship of the Eucharist to the sacrifice of Christ and to the consequences of this for a true understanding of the nature of the Christian priesthood. He judged such omissions to reflect a denial of these essentials of Catholic teaching.

Since that decision, which expresses the position of the Catholic Church and which continues to govern its practice in conferring “absolute” ordination on former Anglican clergy who enter the communion of the Roman Catholic Church and seek to serve it in the priesthood, there have been a number of important developments.

On the one hand this century has seen a remarkable process of liturgical renewal in both our Communion. In the Roman Catholic Church this has led to the promulgation of new rites of ordination in the *Pontificale Romanum* of Pope Paul VI. In the Anglican Communion many member-Churches have introduced new Ordinals, while at the same time retaining some use of that of 1552-1662. In all this we see reflected something of the theological developments in both Communion since the time of *Apostolicae Curae*.

On the other hand, the dialogue of the last twenty years with the furtherance of which you are so intimately concerned, has produced statements and elucidations on the Eucharist and on the Ministry which, with the rest of ARCIC-I’s Final Report, are now the object of profound study by both our Communion as each seeks, in accordance with its own procedures to determine the extent to which it can recognize therein the faith it professes.

¹ Cf. ARCIC-I Final Report, Preface, p. I.

ARCIC-I affirmed that, in its judgment, the consensus it has achieved put the issue of the Roman Catholic Church's judgment of Anglican Ordinations into a new context.² Later it amplified this: "It believes that our agreement on the essentials of Eucharistic faith with regard to the sacramental presence of Christ and of the sacrificial dimension of the Eucharist, and on the nature and purpose of priesthood, ordination and apostolic succession, is the new context in which the question should now be discussed." As the processes of evaluation proceed, the position of both Communion will become clearer. We look forward to the voicing of the consensus of the Anglican Communion when the bishops of that Communion gather for the Lambeth Conference in 1988, and the Roman Catholic Church will hope to be in a position to voice its final response at approximately that time. In the meantime you are well aware both of the reservations voiced in the Observations of the Congregation for the Doctrine of the Faith in 1982, and of the responses, broadly positive but with indications of matters requiring further study, made public by some Roman Catholic Episcopal Conferences during the past year. So too you are aware of the first stages in Anglican responses, not least the full material provided in *Towards a Church of England Response*, discussed at the General Synod earlier this year. It is clear that there will be various calls for further study or further discussion on aspects of the Report, and it is to be hoped that such study and discussion will lead both Communion to greater clarity and to a deepening both of shared faith and of mutual reassurance.

If, at the end of this process of evaluation, the Anglican Communion as such is able to state formally that it professes the same faith concerning essential matters where doctrine admits no difference and which the Roman Catholic Church also affirms are to be believed and held concerning the Eucharist and the Ordained Ministry, the Roman Catholic Church would acknowledge the possibility that in the context of such a profession of faith the text of the Ordinal might no longer retain that "*nativa indoles*" which was at the basis of Pope Leo's judgment. This to say that, if both Communion were so clearly at one in their faith concerning the Eucharist and the Ministry, the context of this discussion would indeed be changed.

In that case such a profession of faith could open the way to a new consideration of the Ordinal (and subsequent rites of ordination introduced in Anglican Churches), a consideration that could lead to a new evaluation by the Catholic Church of the sufficiency of these Anglican rites as far as concerns future ordination. Such a study would be concerned with the rites in themselves, prescindng at this stage from the question of the continuity in the apostolic succession of the ordaining bishop.

In our view, such a possibility (even though one could not yet foretell with any certainty the outcome of such a study) could do much to assist the climate of the

Cf *Ministry*. 17

² *Elue. Min* 6

whole discussion. The explicit profession of one faith in Eucharist and Ministry, together with the possible positive effects of such a profession on the Roman Catholic Church’s evaluation of the Anglican formularies of ordination would be the strongest possible stimulus to find ways to overcome the difficulties which still hinder mutual recognition of ministries, those hindrances which ARCIC-II is commissioned to study.

Through you, the co-chairmen, I take this occasion of greeting all the members of ARCIC-II and of thanking them for the work they have done and are doing. It is my earnest prayer that God will richly bless the Commission’s work and guide its efforts to render possible that restoration of full communion which is our common goal and our common hope.

“New Context for Discussing Anglican Orders,” Letter of Cardinal Willebrands. *Origins* 15 (1986): 662-663. For response see 14 January 1986. *Origins* 15 (1986): 664.

ARCIC-II Statement:

- ARCIC-II. “Salvation and the Church.” agreed statement, 22 January 1987, *Origins* 16 (1987): 611-616.
- John Paul II, address to Anglican bishops. 22 April 1988. *TPS* 33: 266-267
- CDF, observation and commentary on ARCIC-II. “Salvation and the Church.” published 19 December 1988 in *Origins* 18 (1988): 429. 431-434.
- ARC/USA, 6 July 1989. report “Anglican Orders: The Dialogue's Evolving Context.” *Origins* 19 (1989): 136-146.

Close of the 12th Lambeth Conference of the Anglican Communion.

Letter from Archbishop Robert Runcie to Pope John Paul II. August 6, 1988:

At the close of the 12th Lambeth Conference of the bishops of the Anglican Communion, I write to you to thank you for the presence of the Catholic observers, for your personal letter assuring the conference of your prayers and to inform you directly of the results of our deliberations.

One of the happy features of our conference has been the presence of observers and speakers from many churches. Among the speakers it was a particular pleasure to welcome Father Pierre Duprey, secretary of the Vatican Secretariat for Promoting Christian Unity, who delivered an important response to my own opening address. Father Duprey carried your letter to the conference, and I read it to the plenary assembly of bishops. The tactful courtesy in the manner of your reference to the known obstacle of the ordination of women was deeply appreciated.

Although the ordination of women to the priesthood and episcopate has been in the forefront of our deliberations, the principal issue before the conference has actually been the underlying question of authority, the developing tradition of the church and ecclesiology. I spoke at some length to the conference of this,

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including the structures required for unity: the episcopate, conciliarity and primacy. I spoke specifically of the primacy you demonstrated in Assisi in 1986 in convoking the day of prayer for peace. Of your office as bishop of Rome, I asked, "Could not all Christians come to reconsider the kind of primacy exercised within the early church, a 'presiding in love' for the sake of the unity of the churches?"

But the ecumenical pilgrimage has not yet reached this stage. In the meantime urgent questions have to be faced, new problems addressed and the mission of the church exercised even in our separation. Thus, in a number of provinces of the Anglican Communion the question of the ordination of women to the priesthood, and now episcopate, arises. The Lambeth Conference has no juridical authority over the Anglican Communion. Nor do I. All the provinces have the canonical authority to implement the mission of the church as they deem right in their own culture. So the matter of the ordination of women, especially to the episcopate, has been deeply divisive.

Nevertheless, the overall ethos of the Lambeth Conference has been one of unity and communion despite deeply held differences. It is probable that some provinces, especially in North America, may shortly elect and consecrate a woman bishop. The Lambeth Conference resolved to respect this decision even if not all other bishops and provinces can yet recognize such a woman bishop. There will be the pain of some impairment of communion. Difficult as this is, it is, in the judgment of the conference, a more acceptable solution than a schism within the Anglican Communion. We are now urgently to examine the relations between provinces which differ in practice on this matter. We recognize the ecumenical implications of this debate, but know that the Catholic Church would also see a split in the Anglican Communion as a grave ecumenical obstacle.

I acknowledge that there is need for much more study of the question of women's ordination. I also feel that this study should be conducted on an ecumenical basis. I was glad that this view was re-echoed in the response made to my opening address by Metropolitan John of Pergamos, who is co-chairman of the Anglican-Orthodox dialogue and, of course, a member of the Catholic-Orthodox International Commission. He called for an exhaustive theological debate on this matter and said, "It seems to me that we have not even begun to treat the issue of the ordination of women as a theological problem at an ecumenical level."

It is my prayer that such ecumenical debate, involving all Christians, may be taken up and carried out in an atmosphere of trust and mutual respect.

The conference went on to consider the responses of 23 autonomous provinces to the Final Report of the Anglican-Roman Catholic International Commission. One of the most important tasks of the conference was to pronounce the consensus of the Anglican Communion on the agreed statements of the dialogue established by our predecessors in 1966. The bishops, by a very large majority, recognized the ARCIC agreed statements on the Eucharist and the ordained ministry as "consonant in substance with the faith of Anglicans." On authority, the agreed statements were

welcomed as “a firm basis” for the future dialogue. The complete text of these very positive resolutions is in the hands of the Catholic observers. They represent a very strong affirmation by the Anglican Communion about the results of our dialogue.

While the bishops of the Anglican Communion realize that there will be no easy solution to the difficult question of the ordination of women. I see this strong affirmation of the work of ARCIC-I as a significant Anglican step toward “the mutual recognition of the ministries of our two communions” of which we spoke in Canterbury together in May 1982.

In spite of obstacles, the bishops of the Anglican Communion are determined to continue to seek the unity our Lord wills and to pursue the quest for the full visible unity to which our two communions are committed.

May God bestow upon us this gift and the grace to receive it.

Letter from Pope John Paul II to Archbishop Robert Runcie, December 8, 1988:

I acknowledge with gratitude the letter which you sent to me at the close of the 12th Lambeth Conference last August. Your thoughtfulness in informing me about the proceedings of the conference is much appreciated. I see in this gracious gesture a further indication of the trust that exists between us and of the strong bond of communion by which we are already united.

In responding to your communication. I would first of all acknowledge the signs of openness to fuller communion with the Catholic Church, which were evident at several points in the conference, not least in your opening address and in the resolutions on the Final Report of ARCIC-I. At the same time. I must express my concern in respect of those developments at Lambeth which seem to have placed new obstacles in the way of reconciliation between Catholics and Anglicans. The Lambeth Conference’s treatment of the question of women’s ordination has created a new and perplexing situation for the members of the second Anglican-Roman Catholic International Commission, to whom in 1982 we gave the mandate of studying “all that hinders the mutual recognition of the ministries of our communions.” The ordination of women to the priesthood in some provinces of the Anglican Communion, together with the recognition of the right of individual provinces to proceed with the ordination of women to the episcopacy, appears to pre-empt this study and effectively block the path to the mutual recognition of ministries.

The Catholic Church, like the Orthodox Church and the Ancient Oriental Churches, is firmly opposed to this development, viewing it as a break with tradition of a kind we have no competence to authorize. It would seem that the discussion of women's ordination in the Anglican Communion has not taken sufficiently into account the ecumenical and ecclesiological dimensions of the question. Since the Anglican Communion is in dialogue with the Catholic Church

– as it is with the Orthodox Church and the Ancient Oriental Churches – it is urgent that this aspect be given much greater attention in order to prevent a serious erosion of the degree of communion between us.

I am aware that no final decision on the controversial question of women's ordination has been taken as far as the Church of England is concerned. I likewise understand the delicate nature of your own position, given the autonomy of each of the provinces that make up the Anglican Communion, as well as your anxiety over a possible split within that communion. Since, however, as archbishop of Canterbury you also represent the Anglican Communion in its relations with the Catholic Church, a highly problematic situation could certainly arise for those provinces opposed to women's ordination if there were women priests in the Church of England. In addressing Your Grace so directly on this matter, I would stress that my motivation is simply to serve the quest for unity to which our predecessors Pope Paul VI and Archbishop Michael Ramsey, committed themselves in 1966: a commitment which you and I renewed during my visit to Canterbury in 1982.

Assuring you of my prayers as we persevere in the search for that unity willed by the Lord for all his disciples, I renew my warm fraternal greetings in our Savior Jesus Christ, the eternal high priest.

Archbishop Robert Runcie and Pope John Paul II, exchange of letters regarding women's ordination and ecumenism. *Origins* 19 (1989) 63-64.

**Criteria for Ecumenical and Inter-religious Cooperation in Communications,
4 October 1989. Pont. Council for Social Communications.**

Introduction

1. The witness of faith which should be given in the public forum of the media makes it necessary for Christians to work together more effectively in their communications efforts and to act in more direct cooperation with other religions to ensure a united religious presence in the very heart of mass communications. The guidelines gathered in this document have been drawn up in order to promote greater cooperation among Christians and with the representatives of other religions engaged in the field of communications. They aim to permit Catholics engaged in mass communications to carry out better their primary task of announcing and witnessing to their own faith, while at the same time favoring a better mutual understanding, both among Christians and with believers of other religions.

2. Cooperation among Christian communicators and with members of other religions working in the field of communications takes on a central importance in the relationship with public authorities and with communications officials for the preservation, promotion and coordination of the expression of a religious viewpoint

in the media. For the most part, access to the mass communications media is permitted only in the context of an understanding among the different religious bodies who wish to take part in the public dialogue.

3. This document is concerned with concrete cooperation and does not deal directly with questions about doctrinal dialogue in communications programs or productions. It can be said, on the other hand, that the Catholic doctrinal and moral teaching is an irreplaceable reference point for Catholic communicators. It is the responsibility of the competent ecclesiastical authorities – on the different levels: local, national, continental and world – to safeguard the doctrinal and moral aspect of every communications activity. The responsible pastoral officials have the right and the duty to give their judgment and their specific directions in this regard. They will evaluate in each case the risks and the opportuneness of common initiatives, keeping in mind the necessity to safeguard the specific identity of Catholic initiatives.

4. Manipulation or base proselytism, at times practiced in the media, is incompatible with the ecumenical task and with the spirit of inter-religious cooperation, as the word of God indicates and as the decisions of ecclesiastical authorities affirm.¹ The growth today of new religious movements, often called sects, which claim to be a form of evangelism, but which are at least partially inspired by non-Christian ideologies, is sometimes accompanied by proselytism fraught with serious consequences, accentuated by widespread diffusion through the communications media.

5. All cooperation will take into account the pastoral situation in each particular place. The communicators charged with ecumenical and inter-religious cooperation will have to be carefully prepared, prudent and keenly aware of their responsibilities.

Criteria for Ecumenical Cooperation in the Media

6. The era of communication and information that is taking shape today is contributing to the fashioning of a new sort of relationship between persons and communities. It requires an increasingly deeper unity on the part of Christians through the exercise of close cooperation.

The impulse toward ecumenical action and initiative comes from the message and the decisions of Vatican Council II,² as well as from later church documents

¹ Secretariat for Promoting Christian Unity – World Council of Churches. *Common Witness and Proselytism*, “Information Service” 14 (1971), pp. 18-23; about the interpretation of Scripture and the will of the ecclesial authorities on the unity of witness, see also. World Council of Churches/Roman Catholic Joint Working Group. *Common Witness*, “Information Service” 44 (1980), pp. 142-162.

² Vatican Council II. Conciliar decree *Unitatis redintegratio*, AAS (1965), esp. pp. 99-100. ¶ 12

indicating how these are to be applied and interpreted.' They illustrate the unity which already exists among the churches and Christian communities. Such an attitude can only make more credible the work and methods of evangelization in the service of the kingdom of God.

7. Ecumenical cooperation can be realized in every aspect of social communication. It is in itself a witness offered to the world. Because the mass media reach beyond the normal limits of space and time, this cooperation will be at one and the same time local, regional and international.

At times, it will require the reciprocal participation of Catholic communicators in the communications initiatives of other churches and Christian communities, and of other Christians in Catholic projects, as well as the formation of Christian working groups within secular communications organizations.

8. The manner of cooperation in social communications matters will depend to a large extent on the way in which communications actually work. The international Catholic communications organizations have for their task to make known these methods and to initiate pastors and the faithful to an effective presence in the communications aspect of contemporary society. Thus, ecumenical cooperation will require exchanges between the Catholic Church's international communications organizations and the corresponding organizations of the other Christian bodies. This cooperation will evidently also extend to the regional and local levels, according to the circumstances of each communications initiative.

9. Joint projects, undertaken when this seems opportune, have as their aim to allow Christians to give a common witness to Christ. It is not their purpose to weaken the authenticity of the Christian and ecclesial message or to limit any specifically Catholic initiative.⁴

¹ Pontifical Commission for Social Communications. Pastoral Instruction *Communio et Progressio*. AAS (1971). pp. 628-630. ¶ 96-100; Secretariat for Promoting Christian Unity. *Directorium odae quae a Concilio Vaticano II de re oecumenica promulgata sunt exsequenda*. AAS (1967): 574-592 (an updated edition is scheduled for publication in 1989); Pontifical Commission for Social Communications. *Critères généraux pour la collaboration oecuménique dans les communications sociales*/ Bulletin d'information 80(1971). pp. 65-66 (updated by this present document). See also: Secretariat for Promoting Christian Unity. *Reflections and Suggestions Concerning Ecumenical Dialogue*. "Information Service" 12(1970). pp. 5-11, *Common Witness and Proselytism*. "Information Service" 14 (1971). pp. 18-23; *Ecumenical Collaboration at the Regional, National and Local Levels*. "Information Service" 26 (1975). pp. 8-31; *Sects or New Religious Movements: Pastoral Challenge*. "Information Service" 61(1986). pp. 144-154, **M**

⁴ There already exist the formulas of the *ecumenical jury* (e.g., those of Cannes, Locarno, Montreal, Berlin), of the ecumenical television week (sponsored by UNDA, the international Catholic organization for radio and television, and WACC, the World Association of Christian Communicators), of ecumenical publications on communications (Comunicacion), of joint meetings (Catholic Press Association of the United States and Canada-Associated Church Press USA), of ecumenical foundations (Interfaith Media Foundation), of reciprocal consultations, of mutual financial aid, of common promotion and consultation with secular networks. It is important to discern the value of such initiatives and to see what further forms of common ecumenical projects there can be. Those common

10. The application in practice of these general criteria demands that Catholics working in the media shall have a deep knowledge and a faithful practice of their faith. It requires reciprocal trust and understanding among Christians, based on mutual respect and with a view to doing things together in communications. This implies that Catholic communications services and Catholics engaged in communications will provide fair and objective information on the ecumenical movement and on the other Christian churches and communities. Such an obligation will never prevent the faithful presentation of the specifically Catholic message in all its fullness.

Reciprocity often stumbles on practical questions such as differences in the organization of the social communications apostolate or different approaches to the financing of it. It is indispensable that pastoral authorities take these practical problems into consideration and allow a fair sharing of financial resources and a harmonization of working practices.

11. The Pontifical Council for Social Communications encourages present and future efforts at ecumenical cooperation in the field of social communications.

The Pontifical Council for Social Communications is itself involved in seeking further forms of ecumenical cooperation, as discoveries in the media field open up new possibilities, with a view to avoiding fragmentation of effort where organization and planning are essential.

Priorities need to be defined by common accord regarding the specific areas in which ecumenical cooperation can best be exercised.⁵

12. The dynamism of Catholic organizations and church institutions in the social communications apostolate is a fundamental condition for constructive ecumenical cooperation, as well as a guarantee that the Catholic message in its entirety will be safeguarded. In this connection, it is essential to develop on all levels of the Catholic social communications apostolate a team of church personnel who are professionally competent, technically sophisticated and theologically well-grounded.

A more energetic cooperation in the apostolate among the international Catholic organizations for social communications (OCIC, UCIP and UNDA)⁶ will be a help toward a better ecumenical collaboration.

ecumenical projects which have precise and concrete themes will be all the more useful.

⁵ For example: whether or not to sponsor a joint celebration of World Communications Day, taking advantage of the Week of Prayer for Christian Unity for joint initiatives in the communications media, the expression of commonly shared opinions on doctrinal and ethical questions, the establishment of an ecumenical recognition for meritorious service in the field of social communications, the preparation of joint catalogues.

⁶ OCIC: International Catholic Organization for Cinema and Audiovisuals (general secretariat, B-1040 Brussels, 8 Rue de l'Orme); UCIP: International Catholic Union of the Press (general secretariat, CH-1211 Geneva 20 CIC, 37-39 Rue de Vermont); UNDA: International Catholic organization for radio and television (general secretariat, B-1040 Brussels, 12 Rue de l'Orme).

13. The training of Catholic communicators must include serious ecumenical preparation, conducted in accordance with the directives of the Holy See⁷ and of local and regional pastoral authorities,

14. It would be very useful if Christians would extend their cooperation to take in also the more recently developed media, especially in regard to the common use of satellites, data banks and cable networks and in informatics generally, beginning with system compatibility.

Criteria for Inter-religious Cooperation in Communications

15. The era of communication and information taking shape today demands equally of all who live a religious faith and who are engaged in the service of public dialogue a mutual commitment for the good of humanity.

These guidelines for a joint response by Christians and members of other religions to the opportunities which arise in modern communications exchange reflect the spirit of the relevant decrees of Vatican II.⁸ Inter-religious understanding is based on the common quest by the world's great religions to make a fitting reply to the main questions regarding human destiny. A serious and continuing joining of efforts will help to overcome any tendency within the general public to have a superficial, superstitious or magical understanding of religion.

16. Cooperation among the different religions can be realized in every aspect of social communication. This is already in itself a way of witnessing before the world. Because the media reach beyond the limits of space and time, this inter-religious cooperation will be at one and the same time local, regional and international.

Reciprocal agreements will sometimes be advisable between Catholic (and other Christian) communicators and the communications workers of other religions, as will be the formation of inter-religious working groups within secular communications organizations.

17. The manner of cooperation in social communications will depend to a large extent on the methods proper to the media. Inter-religious cooperation will take into account the specific contexts of production and planning on the local, regional.

⁷ Cf. Secretariat for Promoting Christian Unity, *Directorium ad ea quae a Concilio Vaticano Secundo de re oecumenica promulgata sunt exsequenda. Pars altera: De re oecumenica in institutione superiore*. AAS (1970): 705-724; Congregation for Catholic Education. *Ordinationes ad constitutionem apostheam 'Sapientia Christiana'*, AAS (1979): 500-521 (p. 513. art. 51. Indications on the Teaching of Ecumenism Among Theological Matters).

⁸ Vatican Council II. Conciliar Declaration *Nostra Aetate*, AAS (1966): 740-744; Secretariat for Non-Christians. *Towards the Meeting of Religions, Suggestions for Dialogue*, "Bulletin" (supplement n. 3) (1967). pp. 1-51; Idem. *The Attitude of the Church Toward the Followers of Other Religions*, "Bulletin" (1984). pp. 126-141; Commission for Religious Relations With Judaism. *Guidelines and Suggestions for Implementing the Conciliar Declaration Nostra Aetate* (n. 4), "Information Service" 26 (1975). pp. 1-7.

national or international level.

18. Joint projects, undertaken when this seems opportune, have as their aim to allow Christians and members of other religions to give a common witness to God. It is not their purpose to weaken the Christian and ecclesial message or to limit any specifically Catholic initiative.

19. The application in practice of these general criteria demands that Catholics working in the media shall have a deep knowledge and a faithful practice of their faith. It requires reciprocal trust and understanding among Catholics, other Christians and members of other religions based on mutual respect and with a view to doing things together in communications. This implies that Catholic communications services and Catholics engaged in communications will provide fair and objective information on other religions of humanity. Such an obligation will never prevent the faithful presentation of the specifically Catholic message in all its fullness.

Reciprocity often stumbles on practical questions such as differences in the organization of the social communications apostolate or different approaches to the financing of it. It is indispensable that pastoral authorities take these practical problems into consideration and allow a fair sharing of financial resources and a harmonization of working practices.

20. The Pontifical Council for Social Communications encourages further efforts at cooperation with the members of other religions to promote religious and moral values in the field of social communications.

The Pontifical Council for Social Communications is itself involved in seeking further forms of inter-religious cooperation, as discoveries in the media field open up new possibilities, with a view to avoiding fragmentation of effort where organization and planning are essential.

21. The dynamism of Catholic organizations and church institutions in the social communications apostolate is a fundamental condition for constructive and effective inter-religious cooperation, as well as a guarantee that the Catholic message in its entirety will be safeguarded. In this connection, it is essential to develop on all levels of the Catholic social communications apostolate a team of church personnel who are professionally competent, technically sophisticated and theologically well-grounded.

A more energetic cooperation in the apostolate among the international Catholic organizations for social communications (OCIC, UCIP and UNDA) (see note 6) will be a help toward better cooperation with other religions.

22. A specific formation, in accord with the directives of the Holy See, is necessary to prepare Catholic communicators better for cooperation with the members of other great religions in the work of communications.

23. An inter-religious understanding between Catholics and the members of other religions would be equally useful in regard to the more recently developed media, especially the common use of satellites, data banks and cable networks and

in informatics generally, beginning with system compatibility.

Pont. Council for Social Communications, "Criteria for Ecumenical and Inter-religious Cooperation in Communications," 4 Oct. 1989; (published 23 Oct. 1989), *Origins* 19 (1989): 375-377.

Particular Legislation: Participation in the Ecumenical Movement.

The Gambia, Liberia, and Sierra Leone:

Until more specific norms are prepared and promulgated, the Conference wishes the ecumenical movement to be fostered.

Constituent dioceses are to take a full part in joint services arranged for Church Unity Week.

The conference directs that Christian-Muslim dialogue be fostered at every opportunity.

rrCABIC. 3 (1986), p. 5.

Nigeria:

The Catholic Bishops' Conference of Nigeria directs as follows:

1. Bishops have a duty to foster ecumenism, which is a seeking of unity in: a) faith; b) Church governance; c) sacraments.
2. Bishops are to regard non-Catholics and non-baptized in a human and charitable way. Dialogue should be established with them.
3. The above stipulates respect for those who are not in full communion, as persons who need the attention of bishops, who must base their relationship with them upon the fundamental rights of people as human beings.
4. Also socializing with non-Catholics, especially their clergy and leaders; as, for example, inviting them to our celebrations, visiting them and attending their own celebrations.
5. When the need to offer charity arises, there should be no discrimination on the basis of differing beliefs or church affiliation.
6. Ecumenism should be practical. We should not be critical in our sermons or public talk of what others hold to be true. In other words, we should have positive doctrinal preaching.
7. Associations that favor ecumenism such as C.A.N. at all levels should be prudently encouraged.
8. The Bible Society of Nigeria should be patronized.
9. With regard to liturgical celebrations we must be attentive to and study the situations in the Nigerian context in order to avoid scandal. Pastors

should discourage ecumenical charismatic movements in the country.

10. The norms on mixed marriage as directed by this Conference should be observed scrupulously. Dispensation from the canonical form of marriage, although a means of ecumenism, should be judiciously granted and properly executed (c. 1127, §2).

11. Our special care and vigilance for those children in mixed marriages should be considered a form of ecumenism. This care needs special study because of prevailing situations in our country.

PCN, pp. 24-25.

Ecumenical activity:

- John Paul II, address to Secretariat for Non-Believers, 5 March 1988, *TPS* 33 (1988): 193-196.
- John Paul II, address to Joint Commission of Pentecostals and Catholics, 8 September 1989, *TPS* 35(1990): 27-28.
- John Paul II, address to general audience, 24 January 1990, *TPS* 35 (1990): 232-234

Orthodox churches:

- John Paul II, address to delegates from the Ecumenical Patriarch Dimitrios I. 29 June 1986. *TPS* 31 (1986): 345-37.
- Joint International Commission for Roman Catholic-Orthodox Dialogue, “Faith. Sacraments, and the Unity of the Church.” 16 June 1987, *Origins* 17 (1987): 743-749.
- John Paul II, homily during visit of Dimitrios I. 6 December 1987. *TPS* 33 (1988): 82-86.
- John Paul II and Patriarch Dimitrios I. joint declaration, 7 December 1987. *TPS* 33 (1988): 97-99. *Origins* 17(1987): 497,499.
- John Paul II. address to delegation of Ecumenical Patriarch of Constantinople, 29 June 29 1989. *TPS* 34 (1989): 365-366.
- John Paul II. *Filioc/ite* Debate. 7 November 1990, *TPS* 36 (1991): 114-117
- Joint Committee of Orthodox and Roman Catholic Bishops in the United States, 17October 1990. statement on Orthodox-Roman Catholic marriages. *Origins* 20 (1990): 410-412.

CANON 756

/Vddress Regarding Organ Donation, 30 April 1990.

I am happy to welcome the distinguished group of nephrologists from several European countries and from the United States who have been taking part in the *congress on renal illnesses and transplants* held last week in Bari. My cordial greetings go to all present and in particular to Professor Kokot, of the Nephrology Department of the Institute of Internal Medicine at the Silesian School of Medicine, who is your spokesman at today’s, audience.

The work which you carry out with such dedication and skill is presently encountering a serious difficulty. On the one hand renal therapy, thanks in particular to the rapid *progress* which has taken place *in kidney transplants*, is saving the lives of a growing number of people and enabling them to resume their

normal activities. On the other hand the possibility of benefiting from these advances depends on the *availability of organs*. In many cases such organs are not obtainable when needed.

We see an increasing number of people waiting, very often in vain, for the gift of an organ which would grant them fresh hope and life itself. Furthermore, since the possible availability of organs involves costs which the majority of people cannot afford, this waiting becomes all the more distressing. Hence there are difficulties in both the organizational and the emotional spheres. No solution will be forthcoming without a *renewed sense of human solidarity* born of a love, which, following the example of Christ, can inspire men and women to make great sacrifices in the service of others.

The Church has always made the care of the sick one of her principal concerns. In the particular case of renal illnesses, she invites the directors of Catholic institutions to promote awareness of the need for organ donors, while taking into account both the progress made by the science and the necessity overcoming all unjustified risks. Those who believe in our Lord Jesus Christ, who gave His life for the salvation of all, should recognize in the urgent need for a ready availability of organs for renal transplants a challenge to their generosity and fraternal love.

A heightened awareness should also be the starting point for working out a set of guidelines to ensure efficiency at both the national and international levels, as well as timely access to surgery and the extension of this valuable benefit to all levels of society. In this field the Church insists that everything should be done with the *utmost respect for the fundamental principles of the natural moral law and Christian ethics*.

Distinguished researchers and scientists: You are aware of the importance and urgency of this problem from first hand experience. As I offer you my encouragement, I pray that the blessing of God will accompany and sustain the noble work to which you have dedicated your lives.

Address of Pope John Paul II to participants in a congress on renal illnesses and transplants. Apr 30, 1990, *TPS* 35 (1990): 336-37.

Addresses of John Paul II:

14 April 1988. address regarding neonatal euthanasia, *TPS* 33 (1988): 263-265.

17 October 1989. address to participants in symposium of bishops on the meaning of life. *TPS* 35 (1990): 102-107.

15 November 1989, address to conference on AIDS. *TPS* 35 (1990) 137-143; *Origins* 19(1989): 434-436.

18 May 1990, address to environmentalists. *TPS* 35 (1990): 371-373.

5 June 1990. address regarding the future of Europe, *TPS* 35 (1990) 418-425; *Origins* 20 (1990): 90-93

29 June 1990, letter on the fourteenth centenary of the elevation of St. Gregory to the papacy. *TPS* 35 (1990): 433-436.

29 June 1990. apostolic letter. "Towards the Fifth Centenary of New World Evangelization," *Origins* 20 (1990): 208-216

- 14 December 1990. address on natural family planning. *Origins* 20 (1990): 507-508
- 14 December 1990, address commemorating the 25th anniversary of *Dei verbum*, *TPS* 36 (1991): 229-232.
- 15 August 1988, apostolic letter. *Mulieris dignitatem*, *TPS* 34 (1989): 10-47, *Origins* 18 (1988) 261.263-283.
- 30 December 1988. apostolic exhortation. *Christifideles laici*, *TPS* 34 (1989): 103-168; *Origins* 18 (1988): 561,563-595. For full text see Canon 224 of this volume.

CANON 766

Particular Legislation: Lay Preaching.

The Gambia, Liberia, and Sierra Leone:

The Conference is not yet ready to issue specific norms for preaching by the laity. Until these are issued, the permission of the local bishop is required for a member of the laity to preach in a church or oratory.

FTCABIC, 3(1986). p. 5.

Nigeria:

Christ the Lord has sent out his Church to preach to all nations (Mt 28:19). This mandate is given to the whole people of God and all God's people are bound to participate in the mission of the Church, however, each according to his condition or state. The sacred hierarchy has the primary responsibility of proclaiming the word of God (cf. Acts 6:2-4; *LG* 25, 28, *AA* 2). The laity share in this work (cf. *AA* 2). Wishing to involve the laity more with the work of preaching, the new code establishes: “The laity may be allowed to preach in the Church or oratory if in certain circumstances it is necessary, or in particular cases it would be advantageous, according to the provisions of the Episcopal Conference and without prejudice to canon 767, §1” (c. 766).

The Catholic Bishops’ Conference of Nigeria hereby gives the following norms:

- The homily is reserved to a priest or deacon (c. 767, §1). Therefore, no lay person is to give the homily during a Eucharistic celebration;
- In celebrations in which there is no priest or deacon, the catechist or any other layperson approved by the parish priest may preach;
- Lay persons of proven ability or special competence may be allowed to preach to the gathered faithful on special occasions, such as feast of family. Father’s Day, Mother’s Day, celebration for fostering works of charity or missions, provided their exhortations are considered to be very opportune

and they are given at the completion of the Eucharistic celebration;

4. Lay persons who may be permitted to preach in the church or oratory should, in addition to due knowledge, lead an exemplary Christian life and be docile to the magisterium and legitimate local pastors.

PCN. pp. 25-26.

South Africa:

In accordance with the prescriptions of canon 766, and without prejudice to the provisions of canon 767, §1, the Southern African Catholic Bishops' Conference hereby decrees that the diocesan Bishop may authorize non-ordained persons who have received an adequate doctrinal preparation, to preach in churches on the following occasions:

- 1) when the officiating priest or deacon is unable to communicate in the language of the people;
- 2) in non-liturgical celebrations of the Word of God;
- 3) when particular circumstances require lay involvement, for example, special appeals.

All such persons who are called upon to preach are to have manifested an outstanding moral life and enjoy a good reputation in the community.

The diocesan Bishop may also authorize seminarians in the course of their pastoral training to preach in churches.

SABC

CANON 767

Authentic Interpretation: Reservation of Homily to Priests or Deacons 20 June 1987. AAS 79 (1987): 1249.

D. Whether the diocesan bishop is able to dispense from the prescription of canon 767, §1. by which the homily is reserved to priests or deacons.

R. Negative.

Pont Comm, for the Auth interp of the Code of Canon Law. AAS79(1987): 1249;/?/MO(1990): 114 See Pont Comm for the Auth Interp. of the Code of Canon Law 3 Dec 1986, letter to diocesan bishop. *RRAO* (1987): 6-7. (cf full text printed under canon 87).

CANON 772

Particular Legislation: Radio and Television Preaching on Christian Doctrine.

Canada:

In accordance with the prescriptions of canon 772, §2, the Canadian Conference of Catholic Bishops hereby decrees that to expound Catholic teaching through the electronic media, the following provisions are to be observed:

a) only those programmes which have been explicitly recognized as “Catholic” by the competent ecclesiastical authority shall be considered as Catholic;

b) the persons working in this field will have been properly trained in the specialized language of the electronic media and will take into account:

- the diversity of audiences and their various situations vis-a-vis the faith;
- the missionary and ecumenical dimensions of the proclamation of the Gospel in a pluralistic society;
- the status of the broadcasting companies.

This decree is effective January 1, 1988.

OD no. 577; 1-12-87; *SC* 22 (1988), p. 207.

The Gambia, Liberia, and Sierra Leone:

The Conference wishes every opportunity to be taken of expounding Christian teaching on radio and television. Those participating should be properly qualified in the field in which they are discussing and should receive the permission of the National Director of Social Communications or another person appointed by the Conference.

ITCABIC. 3(1986). p. 2.

Nigeria:

The Catholic Bishops' Conference of Nigeria directs as follows:

1. Because of the impact of radio/TV and the written word on the society, it is necessary that each diocese should have a team carefully selected for the mass media. At least one cleric or religious should be well trained in this field and assigned to this job full time.
2. Notwithstanding the Government directive banning private radio and TV, studios should be established in dioceses or regions to facilitate making

radio and TV programmes.

3. As much as possible, dioceses should make use of the time allocated to them for programmes on Government radio/TV.
4. The existing Catholic newspapers must be improved in quality and circulation, and work towards a daily or twice weekly newspaper.
5. Priests and religious and knowledgeable lay people should be encouraged to write religious articles for Nigerian daily newspapers.
6. To ascertain the doctrine and quality of radio/TV programmes and also articles for the press, the people who are in charge of communications must preview and where necessary correct and edit these before releasing them to the public.
7. There should be an immediate counter programme should anyone slander the Church or distort Catholic teaching through the media.
8. Catholic publications and cassettes in the vernacular should be given important attention in each diocese.

PCN. pp. 26-27.

Scotland:

The Bishops' Conference of Scotland decrees:

1. That due oversight and regulation of the expounding of Catholic teaching on radio and television will be carried out by the Bishops' Conference through the agency of its Communications Commission and attendant committees;
2. That it is not necessary in the meantime to issue additional norms;
3. That nevertheless the question of the need for additional norms will be kept under review.

CLSGBI Newsletter, no. 69 (March 1987), p. 29.

South Africa:

In accordance with the prescriptions of canons 772, §2 and 831, §2, the Southern African Catholic Bishops' Conference hereby decrees that to expound Catholic teaching through the electronic media, the following provisions are to be observed;

- a) only those programmes which have been explicitly recognised by the competent ecclesiastical authority as concerning the transmission of Catholic doctrine shall be considered as Catholic;
- b) persons working in this field shall have had a good doctrinal preparation;

c) such persons will also have been properly trained in the specialized language of the electronic media and will take into account

- the diversity of audience and their various situations regarding the faith;
- the missionary and ecumenical dimensions of the proclamation of the Gospel in a pluralistic society;
- the status of the broadcasting company/companies;

d) for the usual participation in radio and television programmes which concern Catholic doctrine or morals, a cleric must have the authorization of his proper Ordinary, a member of a religious institute, the permission of the proper superior; for national programmes, the authorization of the President of the Bishops' Conference or his delegate is also required;

e) for the occasional participation in such programmes, whether local or national, a cleric must have the authorization of his proper ordinary, and a member of a religious institute the permission of the proper superior.

SACBC

United States of America:

Until a study is completed, the National Conference of Catholic Bishops authorizes diocesan bishops to establish guidelines for expounding Christian doctrine on radio and TV programs for their own diocese.

Editor's Note: The above entry is of historical significance only. A complementary norm for the United States of America is now in force as of January 15, 2002. See www.nccbuscc.org/norms.

CANON 775

***New Creation* Sex Education Series.**

Letter from Archbishop Daniel W. Kucera to U.S. Bishops, May 17, 1989:

I am writing to you to share two letters I received from the Holy See regarding the "New Creation" series, published by Wm. C. Brown Co., Dubuque, and bearing the imprimatur of retired Archbishop James J. Byrne for the first half of the series and mine for the second half. The series was originally published in 1984. A revision, embodying suggestions I requested from the Pope John Center, Braintree, Mass., was printed in 1987 and is currently the only version sold by the company.

Some of you have been receiving letters critical of the series and even suggesting that it was in disfavor at the Holy See. I myself have received letters and petitions from people and groups demanding that I withdraw the imprimatur. Under the date of Feb. 13, 1987,¹ I shared with you a statement that I intended to use in dealing with these requests:

“The adoption of textbooks for religious education is the responsibility and prerogative of the local church. Dioceses establish guidelines and a review process for this, including directives to pastors and teachers and involving parents, whose rights must be respected. An imprimatur is not intended to be a substitute for local decisions. As the bishop granting an imprimatur on a text or series, I do not feel I can impinge on these local prerogatives and hence will make no comments to the press. I will not engage in theological discussion with groups or individuals in person or by mail. My responsibility is directly to the Holy See through the usual channels of the established congregations of the Roman Curia.”

From the beginning, I have been in contact with the Holy See in person and through our Pro-Nuncio, Archbishop Pio Laghi, in order to satisfy myself that my procedures were proper and that my understanding of the imprimatur was canonically correct. I also wanted to end the confusion and uncertainty engendered by letters sent to many of you and to me in the United States and also to various dicasteries of the Holy See.

I share with you now two recent letters, one from Cardinal Ratzinger of the Congregation for the Doctrine of the Faith and a follow-up letter from Cardinal Baum of the Congregation for Catholic Education. I hope sincerely that the information provided in these letters will help you as you fulfill your canonical and pastoral responsibilities in what is certainly a delicate area of religious education. I hope also that the contents of these letters may ease the consciences of many well-meaning people who are naturally concerned about the whole area of sex education, given the permissive nature of American society with its rampant disregard for moral values.

Archbishop Daniel Kucera, letter of May 17, 1989 to U.S. bishops. *Origins* 19 (1989): 164-165

Letter from Joseph Cardinal Ratzinger to Archbishop Kucera, July 20, 1989:

This congregation gratefully acknowledges receipt of your letter of Dec. 21, 1988, with which you brought to its attention certain difficulties and concerns relating to the “New Creation” series. Your Excellency's continued efforts to keep us informed of developments regarding this program of sexual education, particularly with respect to its revision according to the recommendations of a number of experts from the John XXIII Center who had studied it at your request, are deeply appreciated.

In view of the difficulties related in your letter, this dicastery wishes to offer the following clarification as to its own consideration of the program in question. The

revision of the “New Creation” series, it has been noted, has resulted in a clearer presentation of the church's moral teaching. The program does not appear, then, to be problematic from the doctrinal point of view.

This congregation recognizes, however, that there remain concerns regarding the overall pedagogy of “New Creation” and the maintenance of that prudence which ought to govern the exposition of such delicate material. It is aware too that there are parents who judge their rights and interests to have been ignored by local church authorities when this program, designed for classroom use, is implemented and their real ability to affect the extent of their children’s exposure to this kind of material is thereby checked. In recognition of the fact that such issues relate to the competence of the Congregation for Catholic Education, this dicastery has therefore remanded the question and its further examination to the opportune judgment of His Eminence Cardinal William Baum. Inquiries concerning this review or its possible results ought to be directed then to the Congregation for Catholic Education.

Cardinal Joseph Ratzinger. 23 Feb. 1989, letter to Archbishop Daniel Kucera. OSB. *Origins* 19 (1989); 165.

Letter from William Cardinal Baum to Archbishop Kucera, July 20. 1989:

This Congregation for Catholic Education and various other dicasteries of the Holy See have been receiving some letters of complaint about the use in Catholic schools of the sex education program titled “New Creation” series, published by the Win. Brown Co.. Dubuque, which bears the imprimatur of retired Archbishop James J. Byrne and yourself. In the present letter we should like to offer Your Excellency certain considerations prompted by the deep concern felt by this congregation with regard to the very delicate and important matter of education in human sexuality for children and young people.

Insofar as the “New Creation” series is concerned, although correspondents have voiced anxiety about doctrinal aspects of the program, such anxiety would seem to be without foundation in view of Cardinal Ratzinger’s letters to you and to this congregation. However, the question of what is appropriate in a classroom setting in the light of child psychology and religious formation must be taken into account. Our document “Educational Guidance in Human Love” gives preference to education in human sexuality on a one-to-one basis, precisely because of the delicate nature of the subject matter (cf. Nos. 58 and 71).

Nevertheless, it is obvious that a large number of parents – the majority in fact – welcome the Catholic school’s assistance in this as well as in the other aspects of religious education and consider the classroom a suitable setting for such education. Of course, when education in human sexuality does take place in a group setting, proper safeguards need to be employed, especially a clear presentation of the moral and spiritual values which preserve the sacredness of the

human personality in all its aspects.

It should also be said that the teacher to whom this delicate responsibility is entrusted in conformity with the wishes of parents has an obligation to promote a climate of virtue and reverence for the subject at hand. Textbooks are not in themselves intended to replace the necessary human element in the teaching process, an element which takes into consideration the particular circumstances of the local situation.

Because the environment in which education is carried out is so specific and local, whether the subject be human sexuality or some other sphere of religious education, responsibility for determining proper teaching aids and texts is within the competence of the diocesan bishop (cf. *Code of Canon Law*, c. 775, § 1 and also “Educational Guidance in Human Love,” 55). It is not possible to foresee all specific circumstances at a national or universal level to allay the anxieties or concerns of parents in a particular situation. Hence the *Code of Canon Law*, in Articles 775 and 804, wisely places responsibility on the one charged with the spiritual formation of the local church, the bishop.

This congregation, therefore, deems it best to deal with parental and other concerns for the “New Creation” series or indeed for any texts through the spiritual shepherd of the diocese, its bishop. In this way the spiritual development of young people can best be assured and the wishes and needs of parents best be fulfilled.

We trust the foregoing reflections may prove helpful to Your Excellency in your endeavor to promote “a positive and prudent sex education” as deemed necessary by Vatican Council II (cf. *Gravissimum Educationis*, 1), encouraging the development of a full and proper partnership between parents and teachers in this extremely important and sensitive sphere of child and youth formation.

Assuring you of the profound gratitude for Your Excellency’s tireless and devoted efforts and of the continued support of this Congregation for Catholic Education, I am, with prayerful good wishes,

Cardinal William Baum, 8 May 1989, letter to Archbishop Daniel Kucera. *OSB.Origins* 19(1989): 165.

Guidelines on Doctrine for Catechetical Materials, 14 November 1990.

Preface

As shepherds of the people of God and by reason of their unique teaching office, bishops have the responsibility of preserving the deposit of faith and ensuring that it is passed on so that the faith of individuals and the community becomes “living, conscious and active, through the light of instruction” (*Christus Dominus*. 14). According to the Decree on the Bishops’ Pastoral Office in the Church of Vatican II, this responsibility implies the use of publications and “various other media of communication” that are helpful in proclaiming the Gospel

of Christ (*Christus Dominus*, 13).

From time to time the National Conference of Catholic Bishops issues pastoral letters and statements on specific issues of national concern, but it is individual bishops who must provide guidance and oversee catechetical programs and materials in their dioceses. Diocesan bishops, acting alone, are not in a position, however, to influence publishers outside their jurisdiction. And for their part, publishers have on occasion asked for national norms and standard criteria that can help them in presenting the church's doctrine on faith and morals while taking into account "the natural disposition, ability, age and circumstances of life" of their audiences (*Christus Dominus*, 14).

Accordingly, the NCCB/U.S. Catholic Conference adopted as one of its objectives for the years 1988-90, "to support the catechetical ministry of the church in the United States by developing policy guidelines for the creation of doctrinally sound textbooks and by providing for their implementation."

The Division of Catechesis/Religious Education of the USCC's Department of Education was given the assignment to implement this objective. The plan of action called for the formation of a task force chaired by Bishop John Leibold of Springfield-Cape Girardeau. The task force included as members Bishop Donald Wuerl of Pittsburgh and Bishop Robert Banks of Green Bay, Wis. The 18 members who made up the task force brought varied professional and personal experiences to the work and were generally representative of the geographic, cultural and social profile of the church in the United States.

The task force met between June 1988 and May 1990. Evolving through several drafts, the guidelines benefited from consultations with publishers of catechetical materials, members of the NCCB Committee on Doctrine and the NCCB Committee on Liturgy. The task force submitted its work to the USCC Committee on Education, which after amending it presented it for adoption to the full body of bishops. The bishops, after making several recommendations to improve the text, approved the document at their meeting of Nov. 14, 1990.

Introduction

Since the Second Vatican Council the church has experienced a remarkable renewal in catechesis. This renewal has been encouraged and guided by the General Catechetical Directory (1971), the third and the fourth general assemblies of the Synod of Bishops (1974, 1977), Pope Paul VI's apostolic exhortation "Evangelization in the Modern World" (1975), Pope John Paul II's "Catechesis in Our Time" (1979) and in the United States by the National Catechetical Directory, "Sharing the Light of Faith" (1979). In 1985 the extraordinary assembly of the Synod of Bishops proposed a Catechism for the Universal Church that will offer a presentation of doctrine, inspired by Scripture and the liturgy, and "suited to the present life of Christians" (II, B, 4),

In recent years (he ongoing effort toward renewal of catechesis in the United States has been nowhere more evident than in the area of religion textbooks and catechetical materials. Each year many new materials for children, youth and adults appear on the market. Publishing companies, with admirable dedication and zeal, make significant investments in researching, testing, editing and marketing catechetical tools. They employ writers and editors with the finest credentials, and they seek the guidance of theologians, biblical scholars, specialists in pastoral liturgy, professional educators and catechetical experts. Most of these materials advance and enrich the church's catechetical mission, but their diversity and quantity present a new challenge. The faithful expect the bishops, and we recognize it as our responsibility, to assure them that these materials express the teaching of the church as faithfully as possible.

The traditional way for bishops to exercise supervision in this ecclesial process is through the granting of an imprimatur to catechetical works. The 1983 *Code of Canon Law* directs that "catechisms and other writings dealing with catechetical formation or their translations need the approval of the local ordinary for their publication" (c. 827, § 1). The code further states that it "is the responsibility of the diocesan bishop to issue norms concerning catechetics and to make provision that suitable instruments for catechesis are available" (c. 775, § 1). It is with this latter directive in mind that the National Conference of Catholic Bishops, with due regard for the responsibility and prerogatives of the local ordinary, responding to the desire of publishers for guidance and concerns of the faithful, outlines a number of principles and offers a series of guidelines.

These guidelines are intended to provide direction to the publishers, particularly in the area of Catholic doctrine regarding both faith and morals. Based on the major catechetical documents of the church and the teachings of Vatican II, they highlight essential components of the documents which relate to doctrinal soundness in catechetical materials. Doctrinal soundness implies, first of all, a complete and correct presentation of church teaching with proper attention to its organic unity. In the context of catechesis, doctrinal soundness also requires that church teaching be presented clearly and in a manner that can be readily understood. Language and images must be adapted to the capacity of the learners in accord with their age level and cultural background.

Catechesis is a pastoral ministry "which leads both communities and, individual members of the faithful to maturity of faith" (General Catechetical Directory, 21). Pope John Paul II reminds us that early in the church's history "the name catechesis was given to the whole of the efforts within the church to make disciples, to help people believe that Jesus is the Son of God, so that believing they might have life in his name, and to educate and instruct them in this life and thus build up the body of Christ" (*Catechesi Tradendae*, 1). Thus it is part of the mission of the church and a significant concern of the bishops that catechesis be provided for all members of the Catholic community.

The faith that the church seeks to strengthen is the free acceptance of the mystery of God and the divine plan of salvation offered in revelation to all peoples. The act of faith has two aspects that by their nature are inseparable: Faith includes both the firm adherence given by a person “under the influence of grace to God revealing himself (the faith by which one believes),” and “the content of revelation and of the Christian message (the faith which one believes)” (GCD, 36). This latter aspect has a communal dimension insofar as it is handed on by the church and shared by the Catholic faithful. These guidelines pertain chiefly to the Christian message as it is dealt with in catechetical materials.

Catechetical Materials

Catechetical materials are intended as effective instruments for teaching the fullness of the Christian message found in the word of God and the teachings of the church. They include many kinds of resources: printed and audiovisual materials, textbooks and programs that utilize such learning strategies as role playing, crafts and other supportive educational activities. They are prepared for groups and persons of diverse interests, needs, ages and abilities. Although the National Catechetical Directory recognizes that catechists are more important than their tools, it acknowledges that “good tools in the hands of skilled catechists can do much to foster growth in faith” (NCD, 249).

Dimensions of Catechesis

Catechesis nurtures the faith of individuals and communities by integrating four fundamental tasks, namely, proclaiming Christ’s message, participating in efforts to develop community, leading people to worship and prayer, and motivating them to Christian living and service (NCD, 213). Catechetical materials aid this process.

First, catechesis, a form of ministry of the word, supposes that the hearer has embraced the Christian message as a salvific reality. It is the purpose of catechesis and, by extension, of catechetical materials to motivate the faithful to respond to the message in an informed way both personally and in community. Catechesis takes place within the church, and catechetical materials reflect the beliefs, values and practices of the Christian community.

Second, catechetical materials develop community by keeping traditions alive and recommending activities that build up the church, making it a community of believers striving to be “of one heart and one Mind” (Acts 4:32).

Third, the church, from its earliest days, has recognized that liturgy and catechesis are supportive of one another. Catechetical materials can be expected, therefore, to explain how liturgical celebrations deepen the community’s knowledge of the faith, and to “promote an active, conscious, genuine participation in the liturgy of the church” (NCD, 36). Sound catechetical materials provide

examples of ways that the Christian community prays together, with particular emphasis on forms of devotional prayer inspired by and directed toward the liturgy itself (*Sacrosanctum Concilium*, 13).

Fourth, in calling upon Christians to serve others, catechetical materials should clearly explain the church's moral teaching. They should emphasize the twofold responsibility of individuals and communities to strive for holiness and to witness to Christian values. This includes respect for life, service to others and working to bring about peace and justice in society (NCD, 38).

In short, catechetical materials should present the story of salvation and the church's beliefs according to the principles of doctrinally sound catechesis (that we describe below).

Principles and Criteria of Doctrinally Sound Catechetical Materials

The first principle of doctrinal soundness is that the Christian message be both *authentic* and *complete*. For expressions of faith and moral teachings to be authentic they must be in harmony with the doctrine and traditions of the Catholic Church, which are safeguarded by the bishops, who teach with a unique authority. For completeness, the message of salvation, made up of several parts that are closely interrelated, must, in due course, be presented in its entirety, with an eye to leading individuals and communities to maturity of faith. Completeness also implies that individual parts be presented in a balanced way according to the capacity of the learners and in the context of a particular doctrine.

The second principle in determining the doctrinal soundness of catechetical materials is the recognition that the mystery of faith is *incarnate* and *dynamic*. The mystery of the divine plan for human salvation, revealed in the person of Jesus Christ and made known in the Sacred Scriptures, continues as a dynamic force in the world through the power of the Holy Spirit until finally all things are made subject to Christ and the kingdom is handed over to the Father "so that God may be all in all" (1 Cor 15:29). God's creative power is mediated in the concrete experiences of life, in personal development, in human relationships, in culture, social life, science, technology and "signs of the times." The National Catechetical Directory refers to the Scriptures, the teaching, life and witness of the church, the church's liturgical life and life experiences of various kinds as "signs of God's saving activity" in the world (National Catechetical Directory, 42). These biblical, ecclesial, liturgical and natural signs should inform the content and spirit of all catechetical materials.

From these two basic principles flow several criteria that describe doctrinally sound catechetical materials.

First, a holistic approach to catechesis reflects the progressive, step-by-step initiation of the believer into the church community, and the lifelong conversion that is required of individuals and communities if they are to mature in faith.

Catechetical materials should relate to the age, ability and experience of those being catechized. The principal form of catechesis is catechesis of adults, for adults are those “who have the greatest responsibilities and the capacity to live the Christian message in its fully developed form” (*Catechesi Tradendae*, 43). Catechesis for children and other age groups is always necessary and should in some way lay the foundation for adult catechesis (GCD, 20; NCD, 32).

Second, proper expression of our faith highlights the centrality of fundamental doctrines of the Christian tradition. Both the general and national catechetical directories offer valuable guidance in this regard, as will a Catechism for the Universal Church. The Trinitarian structure of the Apostles' Creed and the Nicene Creed is an example that offers helpful guidance in ordering the hierarchy of truths. In presenting the Christian message, catechetical materials take into account the developmental nature of the learner and the particular circumstances of the local church community, but they cannot be selective as to content and emphasis in ways that compromise the authentic and complete teaching of the church (GCD, 46; NCD, 47).

Third, authentic catechesis recognizes that Christian faith needs to be incarnated in all cultures; accordingly it is expressed in diverse ways that witness to the catholicity of the church without endangering its unity. Pope John Paul II has stated: “The Gospel of Christ is at home in every people. It enriches, uplifts and purifies every culture” (meeting with Native Americans, Sept. 14, 1987). Catechetical materials not only alert the faithful to the full meaning of catholicity and the cultural dimensions of the Christian faith experience, but they also facilitate the assimilation of the Gospel message, using language, customs and symbols familiar to those being taught.

Fourth, the fruit of effective catechesis is unity “among all who hold and teach the Catholic faith that comes to us from the apostles” (Eucharistic Prayer I). The common faith is shared and celebrated most perfectly in the Eucharist. Biblical, creedal and prayer formulas are also essential to the unity of the faith community. “There is one Lord, one faith, one baptism; one God and Father of all, who is over all, and works through all, and is in all” (Eph 4:5). For believers to share their faith they must have common experiences and a shared language in which to express and celebrate it. Some common expression of faith is essential to the unity of the believing community. Without a shared language, the faithful cannot profess and celebrate their faith in communion with one another. Catechetical materials, taken as a whole, need to promote a healthy and vital Catholic identity in such a way that the believer hears the message clearly, lives it with conviction and shares it courageously with others.

In the document “Basic Teachings for Catholic Religious Education,” the bishops of the United States expressed a desire for an informed laity, people of

faith who know their religion and can give an account of it.¹ But now as then, this means a church transformed by the Gospel message, for Christians who bring the Gospel into their daily lives, for faithful men and women whose zeal for peace and justice, joy and simplicity, witness to Christ's continuing presence in the world while we await his return in glory when every tear will be wiped away and death will be no more. It is our hope that these guidelines for doctrinally sound catechetical materials will contribute to these goals.

I. Guidelines for Doctrinally Sound Catechetical Materials

The following guidelines are based on major catechetical documents of the church, the constitutions, decrees and declarations of Vatican II, recent papal encyclicals and apostolic exhortations, and the pastoral letters of the U.S. bishops. The guidelines, even taken as a whole, are not a synthesis of the Gospel message nor an exhaustive list of Catholic beliefs. They are not intended to supplant, and in fact should be studied in conjunction with, the outline of the principal elements of the Christian message presented in the National Catechetical Directory (Chapter 5) and any exposition of doctrine found in a future Catechism for the Universal Church. The guidelines differ from the National Catechetical Directory and our earlier document "Basic Teachings for Catholic Religious Education" in two ways: First, they incorporate teachings and principles stated in recent papal encyclicals and in pastoral letters issued by the National Conference of Catholic Bishops; and second, they single out certain doctrines that seem to need particular emphasis in the life and culture of the United States at this time. The guidelines take into account a hierarchy of truths of faith insofar as they give priority to the foundational mysteries in the creed, but they do not prescribe a particular order in which the truths are to be presented (GCD, 46). The guidelines are intended to present church teachings in a positive and meaningful way so that authors, editors and publishers of catechetical materials can better assist the faithful to integrate the truth of Catholic doctrine and moral teachings into their lives.

General Doctrinal Content

Doctrinally sound catechetical materials:

1. Help the baptized, as members of the church founded by Christ, appreciate Catholic tradition, grounded in the Scriptures and celebrated in the divine liturgy, in such a personal way that it becomes part of their very identity.
2. Present the teaching of the church in a full and balanced way that includes

¹ U S Catholic Conference. "Basic Teachings for Catholic Religious Education" (Washington: DC 1972), pp 2-3.

everything necessary for an accurate understanding of a particular doctrine and express it in a manner appropriate to the audience and purpose of a given catechetical text.

3. Situate the teachings of the church in the context of God's saving plan and relate them to one another so that they can be seen as parts of an organic whole and not simply as isolated and fragmented truths (GCD. 39).

4. Describe the many ways that God has spoken and continues to speak in the lives of human beings and how the fullness of revelation is made known in Christ (Heb 1:1-2; *Catechesi Tradendae* 20, 52).

5. Explain the inspired Scriptures according to the mind of the church, while not neglecting the contributions of modern biblical scholarship in the use of various methods of interpretation, including historical-critical and literary methods (1964 instruction of the biblical commission).

6. Are sensitive to distinctions between faith and theology, church doctrine and theological opinion, acknowledging that the same revealed truth can be explained in different ways. However, every explanation must be compatible with Catholic tradition (NCD, 16).

7. Reflect the wisdom and continuing relevance of the church fathers, and incorporate a sense of history that recognizes doctrinal development and provides background for understanding change in church policy and practice.

8. Explain the documents of the Second Vatican Council as an authoritative and valid expression of the deposit of faith as contained in Holy Scripture and the living tradition of the church (1985 extraordinary synod. The Final Report. 2).

9. Present the uniqueness and pre-eminence of the Christian message without rejecting anything that is true and holy in non-Christian religions, show a high regard for all religions that witness to the mystery of divine presence, the dignity of human beings and high moral standards (*Nostra Aetate*, 2).

Father, Son and Holy Spirit

Doctrinally sound catechetical materials:

10. Are Trinitarian and Christocentric in scope and spirit, clearly presenting the mystery of creation, redemption and sanctification in God's plan of salvation (NCD, 47).

11. Help Christians contemplate with eyes of faith the communal life of the Holy Trinity and know that through grace we share in God's divine nature (GCD. 47).

12. Arouse a sense of wonder and praise for God's world and providence by presenting creation, not as an abstract principle or as an event standing by itself, but as the origin of all things and the beginning of the mystery of salvation in Jesus Christ (GCD. 51; NCD. 85).

13. Focus on the heart of the Christian message: salvation from sin and death through the person and work of Jesus, with special emphasis on the paschal mystery – his passion, death and resurrection.

14. Emphasize the work and person of Jesus Christ as the key and chief point of Christian reference in reading the Scriptures (“The Jews and Judaism in Preaching and Catechesis,” [1985] II, 5, 6).

15. Present Jesus as true God, who came into the world for us and for our salvation, and as true man who thinks with a human mind, acts with a human will, loves with a human heart (NCD, 89), highlighting the uniqueness of his divine mission so that he appears as more than a great prophet and moral teacher.

16. Describe how the Holy Spirit continues Christ’s work in the world, the church and in the lives of believers (NCD, 92).

17. Maintain the traditional language, grounded in the Scriptures, that speaks of the Holy Trinity as Father. Son and Spirit, and apply, where appropriate, the principles of inclusive language approved by the NCCB. (See, “Criteria for Implementation of Inclusive Language Translations of Scriptural Texts Proposed for Liturgical Usage.”)

Church

Doctrinally sound catechetical materials:

18. Recognize that the church, a community of believers, is a mystery, a sign of the kingdom, a community of divine origin, that cannot be totally understood or fully defined in human terms (NCD. 63).

19. Teach that the church’s unique relationship with Christ makes it both sign and instrument of God’s union with humanity, the means for the forgiveness of sin as well as a means of unity for human beings among themselves (NCD, 63).

20. Emphasize the missionary nature of the church and the call of individual Christians to proclaim the Gospel wherever there are people to be evangelized, at home and abroad (NCD, 71 ; 74e).

21. Nourish and teach the faith and, because there is often a need for initial evangelization, aim at opening the heart and arousing the beginning of faith so that individuals will respond to the word of God and Jesus’ call to discipleship (*Catechesi Tradendae*, 19).

22. Emphasize that Jesus Christ gave the apostles a special mission to teach and that today this teaching authority is exercised by the pope and bishops, who are successors of Peter and the apostles.

23. Highlight the history and distinctive tradition of the Church of Rome and the special charism of the pope as successor of St. Peter in guiding and teaching the universal church and assuring the authentic teaching of the Gospel.

24 Explain what it means when the church professes to be “one, holy, Catholic

and apostolic” (NCD, 72, 74i, ii).

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25. Show how the church of Christ is manifest al the local level in the diocesan church and the parish, gathered in the Holy Spirit through the Gospel and the Eucharist (*Christus Dominus*, 11; *Lumen gentium*, 26).

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26. Present the church as a community with a legitimate diversity in expressing its shared faith according to different ages, cultures, gifts and abilities.

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27. Foster understanding and unity by accurately presenting the traditions and practices of the Catholic churches of the East (NCD, 73. 74g).

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28. Are sensitive in dealing with other Christian churches and ecclesial communities, taking into account how they differ from the Catholic tradition while at the same time showing how much is held in common (NCD, 76).

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29. Foster ecumenism as a means toward unity and communion among ail Christians, and recognize that division in the church and among Christians is contrary to the will of Christ (*Unitatis Redintegratio*, 1).

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30. Integrate the history of the Jews in the work of salvation so that, on the one hand. Judaism does not appear marginal and unimportant and. on the other hand, the church and Judaism do not appear as parallel ways of salvation (“The Jews and Judaism,” 1985,1,7).

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31. Explain the pastoral role and authority of the magisterium – the bishops united with the pope – in defining and teaching religious truth.

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32. Emphasize that individuals reach their full potential and work out their salvation only in community – the human community and the community which is the church (“Economic Justice for All,” 63, 65 and *passim*).

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33. Support the family as the basic unit of society and underline its role as “domestic church” in living the Gospel (*Familiaris Consortio*, 12).

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Mary and the Saints

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Doctrinally sound catechetical materials:

34. Explain the sacramental meaning of “communion of saints.” linking it to the Eucharist, which bringing the faithful together to share the “holy gifts” is the primary source and sign of church unity.

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35. Explain the biblical basis for the liturgical cult of Mary as mother of God and disciple par excellence; and describe her singular role in the life of Christ and the story of salvation (*Lumen gentium*, 66. 67).

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36. Foster Marian devotions and explain the church’s particular beliefs about Mary (e.g., the immaculate conception, virgin birth and assumption) (GCD. 68; NCD. 106).

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37. Explain the church’s teaching on angels and its veneration of saints who intercede for us and are role models in following Christ (GCD. 68).

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Liturgy and Sacraments

Doctrinally sound catechetical materials:

38. Present the sacraments as constitutive of Christian life and worship, as unique ways of meeting Christ and not simply as channels of grace.

39. Emphasize God's saving and transforming presence in the sacraments. In the Eucharist Christ is present not only in the person of the priest, but in the assembly and in the word, and uniquely in the eucharistic species of bread and wine which become the body and blood of Christ (*Sacrosanctum Concilium*, 7).

40. Link the Eucharist to Christ's sacrifice on the cross, explaining it as a sacrament of his presence in the church and as a meal of communal solidarity that is a sign of the heavenly banquet to which the faithful are called (*Sacrosanctum Concilium*, 7, 47; *Gaudium et spes*, 38).

41. Call attention to the special significance of Sunday as the day of the Lord's resurrection, emphasizing active participation in Sunday Mass as an expression of community prayer and spiritual renewal.

42. Explain the liturgical year, with special attention to the seasons of Advent-Christmas, Lent-Easter (NCD, 144c).

43. Promote active participation in the liturgy of the church, not only by explaining the rites and symbols, but also by fostering a spirit of praise, thanksgiving and repentance, and nurturing a sense of community and reverence (NCD, 36).

44. Explain the Catholic heritage of popular devotions and sacramentals so that they serve as a means "to help people advance toward knowledge of the mystery of Christ and his message" (*Catechesi Tradendae*, 54).

45. Embody the norms and guidelines for liturgy and sacramental practice found in the *praenotanda* of the revised rites, with special attention to those that preface the sacraments of initiation.

46. Assist pastors, parents and catechists to inaugurate children into the sacraments of penance and Eucharist by providing for their proper initial preparation according to Catholic pastoral practice as presented by the magisterium.

47. Promote lifelong conversion and an understanding of the need for reconciliation that leads to a renewed appreciation of the sacrament of penance.

48. Establish the foundations for vocational choices – to the married life, the single life, priesthood, diaconate and to the vowed life of poverty, chastity and obedience – in the framework of one's baptismal commitment and the call to serve.

49. Respect the essential difference between the ministerial priesthood and the common priesthood, between the ministries conferred by the sacrament of orders and the call to service derived from the sacraments of baptism and confirmation (*Christifideles Laici*, 22, 23).

50. Foster vocations to the priesthood and religious life in appropriate ways at every age level.

Life of Grace and the Moral Life

Doctrinally sound catechetical materials:

51. Teach that from the beginning God called human beings to holiness, but from the very dawn of history humans abused their freedom and set themselves against God so that “sin entered the world” (Rom 5:12), and that this “original sin” is transmitted to every human being (*Gaudium et spes*, 13).

52. Introduce prayer as a way of deepening one’s relationship with God and explain the ends of prayer so that a spirit of adoration, thanksgiving, petition and contrition permeates the daily lives of Christians (NCD, 140).

53. Promote the continual formation of right Catholic conscience based on Christ’s role in one’s life, his ideals, precepts and examples found in Scripture and the magisterial teaching of the church (NCD, 190).

54. Cultivate the moral life of Christians by inculcating virtue and nurture a sense of responsibility that goes beyond external observance of laws and precepts.

55. Discuss the reality and effects of personal sins, whereby, an individual, acting knowingly and deliberately, violates the moral law, harms one’s self, one’s neighbor and offends God (GCD, 62).

56. Make it clear that the dignity of the human person and sanctity of life are grounded in one’s relation to the triune God. and that individuals are valued not because of their status in society, their productivity or as consumers, but in themselves as being made in God’s image (“Economic Justice for All,” 28. 48).

57. Go beyond economic and political concerns in describing ecological and environmental issues, and define human accountability for the created universe in moral and spiritual terms (*Sollicitudo Rei Socialis*, 38).

58. Present a consistent ethic of life that, fostering respect for individual dignity and personal rights, highlights the rights of the unborn, the aged and those with disabilities, and explains the evils of abortion and euthanasia.

59. Explain the specifics of Christian morality, as taught by the magisterium of the church, in the framework of the universal call to holiness and discipleship, the Ten Commandments, the Sermon on the Mount, especially the Beatitudes, and Christ’s discourse at the Last Supper (NCD, 105).

60. include the responsibilities of Catholic living traditionally expressed in the precepts of the church.

61 Present Catholic teaching on justice, peace, mercy and social issues as integral to the Gospel message and the church’s prophetic mission (NCD, 170).

62. Explain that the church’s teaching on the “option for the poor” means that while Christians are called to respond to the needs of everyone, they must give their

greatest attention to individuals and communities with greatest needs (“Economic Justice for All,” 86-87).

63. State the church’s position on moral and social issues of urgent concern in contemporary society, for example the developing role of women in the church and society, racism and other forms of discrimination.

64. Present human sexuality in positive terms of life, love and self-discipline, explain the responsibilities of a chaste Christian life and teach that love between husband and wife must be exclusive and open to new life (*Familiaris Consortio*, 29).

65. Link personal morality to social issues and professional ethics, and challenge the faithful to make responsible moral decisions guided by the church’s teaching (NCD, 38, 170).

66. Teach that all legitimate authority comes from God and that governments exist to serve the people, to protect human rights and secure basic justice for all members of society (“Economic Justice for All,” 122).

67. Teach that though sin abounds in the world, grace is even more abundant because of the salvific work of Christ (NCD, 98).

Death, Judgment and Eternity

Doctrinally sound catechetical materials:

68. Explain the coming of Christ “in glory” in the context of the church’s overall teaching on eschatology and final judgment (NCD, 110).

69. Teach, on the subject of the last things, that everyone has an awesome responsibility for his or her eternal destiny, and present, in the light of Christian hope, death, judgment, purgatory, heaven or hell (NCD, 109; GCD, 69).

II. Guidelines for Presenting Sound Doctrine

A second set of guidelines, no less important than the first if catechesis is to be effective, is based on pastoral principles and practical concerns. They are reminders that catechetical materials must take into account the community for whom they are intended, the conditions in which they live and the ways in which they learn (GCD, Foreword). Publishers are encouraged to provide catechetical materials that take into consideration the needs of Hispanic communities and other ethnic and culturally diverse groups that make up the church in the United States. No single text or program can address the many cultures and social groups that make up society in the United States, but all catechetical materials must take this diversity into account. Effective catechesis, as we have noted above, requires that the church’s teaching be presented correctly and in its entirety, and it is equally important to present it in ways that are attractive, appealing and understandable by

(the individuals and communities to whom it is directed.

To present sound doctrine *effectively* catechetical materials:

70. Take into account the experience and background of those being catechized, and suggest ways that the Christian message illumines their life (NCD, 176e).

71. Must be based on accepted learning theory, established pedagogical principles and practical learning strategies (NCD, 175).

72. Use language and images appropriate to the age level and developmental stages and special needs of those being catechized (NCD, 177-188).

73. Integrate biblical themes and Scriptural references in the presentation of doctrine and moral teaching, and encourage a hands-on familiarity with the Bible (NCD, 60a).

74. Challenge Catholics to critique and transform contemporary values and behaviors in light of the Gospel and the church's teaching.

75. Maintain a judicious balance between personal expression and memorization, emphasizing that it is important both for the community and themselves that individuals commit to memory selected biblical passages, essential prayers, liturgical responses, key doctrinal ideas and lists of moral responsibilities (*Catechesi Tradendae*, 55; NCD, 176e).

76. Provide for a variety of shared prayer forms and experiences that lead to an active participation in the liturgical life of the church and private prayer (NCD, 145,264).

77. Continually hold before their intended audience the ideal of living a life based on the teachings of the Gospel.

78. Include suggestions for service to the community that is appropriate to the age and abilities of the persons who are being catechized.

79. Stress the importance of the local church community for Christian living so that every Catholic contributes to building up the spirit of the parish family and sees its ministries as part of the church's universal mission.

80. Are sensitive to the appropriate use of inclusive language in the text and avoid racial, ethnic and gender stereotypes in pictures (NCD, 264).

81. Reflect the catholicity of the church in art and graphics by presenting the diverse customs and religious practices of racial, ethnic, cultural and family groups (NCD, 194, 264).

82. Assist catechists by including easy-to-understand instructions regarding scope, sequence and use of texts.

83. Suggest a variety of strategies, activities and auxiliary resources that can enrich instruction, deepen understanding and facilitate the integration of doctrine and life.

84. Include material that can be used in the home to aid parents in

communicating church teaching and nurturing the faith life of the family.

85. Instruct teachers and catechists on how to respond to the needs of persons with disabilities and individuals with special needs (NCD, 195, 196, 264).

86. Help teachers and catechists distinguish between church doctrine and the opinions and interpretations of theologians (NCD, 264).

87. Help develop the catechists' own faith life, experience of prayer and mature commitment to the church, and motivate them toward ongoing enrichment in catechist formation.

NCCB, guidelines on doctrine for catechetical materials. 14 Nov. 1990, *Origins* 20 (1990): 429, 431-436.

Particular Legislation: Evangelization and Catechesis through Electronic Media.

Philippines:

A "Ministry for Evangelization and Catechesis through Electronic Media (M.E.C.E.M.)" shall be created at national and diocesan levels.

CBCP, p. 22.

Catechetical Directives:

John Paul II. address to Catechism Commission, 15 November 1986, *Origins* 16 (1986): 487-488.

John Paul II. address to catechists, 25 April 1988. *TPS* 33 (1988): 268-271.

CANON 781

Missionary Activities:

John Paul II. ap. letter on the sixth centenary of the baptism of Lithuania, 5 June 1981, *Origins* 17 (1987): 128-131.

John Paul II, ap. letter on the millenium of Christianity in Russia, 25 January 1988, *TPS* 33 (1988): 244-256; *Origins* 17 (1988): 709, 711-718.

John Paul II. message to Ukrainian Catholics on the occasion of the millenium of the baptism of Kievan Rus. 14 February 1988, *TPS* 33 (1988): 173-178; *Origins* 17 (1988): 816-818

CANON 782

Responsibility of All Bishops for Missionary Activity:

NCCB. pastoral statement on world mission. 13 November 1986. *Origins* 16 (1986): 457, 459-466

John Paul II. address to U S Bishop regarding evangelization, 10 January 1989, *Origins* 18 (1989): 548.

John Paul II. address to the Cong, for the Evangelization of Peoples. 14 April 1989. *TPS* 34 (1989): 269-272.

John Paul II. message for World Mission Day. 14 May 1989, *TPS* 34 (1989): 348-352.

CANON 788

Particular Legislation: Regulation of Catechumenate.

Canada:

In accordance with the prescriptions of canon 788, §3, the Canadian Conference of Catholic Bishops hereby decrees that:

1. The catechumenate or its equivalent shall be established where necessary for adults (cf. c. 852, §1). A similar provision shall be made for school-age children who have not yet been baptized;
 2. Only those persons who have received the liturgical rite of admission to the catechumenate (cf. *Ordo initiationis*, No. 18) shall be considered as catechumens;
 3. The various steps undertaken by the candidates shall be indicated. These acts shall be signed by the candidates and by the person who presided over the ceremony;
 4. Preparation for the sacraments of Christian initiation shall not be limited to individual catechesis. Unless particular circumstances call for another practice, the candidate shall be integrated into a support group organized for this purpose, so that the experience of ecclesial life can be experienced.
- This decree is effective July 1, 1988.

ODno. 582; 1-12-87; SC 22 (1988), pp. 219 and 221.

The Gambia, Liberia, and Sierra Leone:

Except in danger of death, no adult is to be baptized who has not undergone a minimum of two years' catechumenate.

Catechumens are to be cherished. If they die while catechumens, they are to receive Christian burial.

Catechumens should receive formation in the Christian way of life, especially prayer, in addition to instruction in Scripture and a basic theology adapted to their intellectual capability.

Catechumens have the right to wear medals and the crucifix. They should formally receive blessings and may participate in prayer gatherings.

They should attend Mass each holy day of obligation.

Nigeria:

The Catholic Bishops' Conference of Nigeria directs that the norms issued by it in the National Directory for Christian Initiation published in 1981 shall be followed.

PCN, p. 27.

Scotland:

The Bishops' Conference of Scotland decrees that no statutes on the catechumenate additional to those in the *Code of Canon Law* will be issued in the meantime.

CLSGBI Newsletter, no. 69 (March 1987), p. 29.

United States of America:

In accord with canon 788, §3, the National Conference of Catholic Bishops decrees that the *National Statutes for the Catechumenate* should govern the catechumenate in the United States.

NCCB Complementary Norms, p. 8.

USA National Statutes for the Catechumenate.

Pre-catechumenate

1. Any reception or service of welcome or prayer for inquirers at the beginning or during a pre-catechumenate (or in an earlier period of evangelization) must be entirely informal. Such meetings should take into account that the inquirers are not yet catechumens and that the rite of acceptance into the order of catechumens, intended for those who have been converted from unbelief and have initial faith, may not be anticipated.

Catechumenate

2. The term “catechumen” should be strictly reserved for the unbaptized who have been admitted into the order of catechumens; the term “convert” should be reserved strictly for those converted from unbelief to Christian belief and never used of those baptized Christians who are received into the full communion of the Catholic Church.

3. This holds true even if elements of catechumenal formation are appropriate

lor (hose who are not catechumens, namely, (a) baptized Catholic Christians who have not received catechetical instruction and whose Christian initiation has not been completed by confirmation and Eucharist; and (b) baptized Christians who have been members of another Church or ecclesial community and seek to be received into the full communion of the Catholic Church.

4. If the catechumenal preparation takes place in a non-parochial setting such as a center, school, or other institution, the catechumens should be introduced into the Christian life of a parish or, similar community from the very beginning of the catechumenate, so that after their initiation and mystagogy they will not find themselves isolated from the ordinary life of the Christian people.

5. In the celebration of the rite of acceptance into the order of catechumens, it is for (he diocesan bishop to determine whether the additional rites listed in no. 74, *Rite of Christian Initiation of Adults*, are to be incorporated (see no. 33.5).

6. The period of catechumenate, beginning at acceptance into the order of catechumens and including both the catechumenate proper and the period of purification and enlightenment after election or enrollment of names, should extend forat least one year of formation, instruction, and probation. Ordinarily this period should go from at least the Easter season of one year until the next; preferably it should begin before Lent in one year and extend until Easter of the following year.

7. A thoroughly comprehensive catechesis on the truths of Catholic doctrine and moral life, aided by approved catechetical texts, is to be provided during the period of the catechumenate (see RCIA, no. 75).

Catechumens

8. Catechumens should be encouraged to seek blessings and other suffrages from the Church, since they are of the household of Christ; they are entitled to Christian burial should they die before the completion of their initiation.

9. In this case, the funeral liturgy, including the funeral Mass, should be celebrated as usual, omitting only language referring directly to the sacraments which the catechumen has not received. In view of the sensibilities of the immediate family of the deceased catechumen, however, the funeral Mass may be omitted at the discretion of the pastor.

10. The marriages of catechumens, whether with other catechumens or with baptized Christians or even non-Christians, should be celebrated at a liturgy of the word and never at the Eucharistic liturgy. Chapter III of the *Rite of Marriage* is to be followed, but the nuptial blessing in Chapter I. no. 33, may be used, all references to Eucharistic sharing being omitted.

Minister of Baptism and Confirmation

11. The diocesan bishop is the proper minister of the sacraments of initiation

for adults, including children of catechetical age, in accord with canon 852, §1. If he is unable to celebrate the sacraments of initiation with all the candidates of the local church, he should at least celebrate the rite of election or enrollment of names, ordinarily at the beginning of Lent, for the catechumens of the diocese.

12. Priests who do not exercise a pastoral office but participate in a catechumenal program require a mandate from the diocesan bishop if they are to baptize adults; they then do not require any additional mandate or authorization in order to confirm, but have the faculty to confirm from the law, as do priests who baptize adults in the exercise of their pastoral office.

13. Since those who have the faculty to confirm are bound to exercise it in accord with canon 885, §2, and may not be prohibited from using the faculty, a diocesan bishop who is desirous of confirming neophytes should reserve to himself the baptism of adults in accord with canon 863.

Celebration of the Sacraments of Initiation

14. In order to signify clearly the interrelation or coalescence of the three sacraments which are required for full Christian initiation (c. 842, §2), adult candidates, including children of catechetical age, are to receive baptism, confirmation, and Eucharist in a single eucharistic celebration, whether at the Easter Vigil or, if necessary, at some other time.

15. Candidates for initiation, as well as those who assist them and participate in the celebration of the Easter Vigil with them, are encouraged to keep and extend the paschal fast of Good Friday, as determined by canon 1251, throughout the day of Holy Saturday until the end of the Vigil itself, in accord with the Constitution on the Liturgy, *Sacrosanctum Concilium*, art. 10.

16. The rite of anointing with the oil of catechumens is to be omitted in the baptism of adults at the Easter Vigil.

17. Baptism by immersion is the fuller and more expressive sign of the sacrament and, therefore, provision should be made for its more frequent use in the baptism of adults. The provision of the *Rite of Christian Initiation of Adults* for partial immersion, namely, immersion of the candidate's head, should be taken into account.

Children of Catechetical Age

18. Since children who have reached the use of reason are considered, for purposes of Christian initiation, to be adults (c. 852, §1), their formation should follow the general pattern of the ordinary catechumenale as far as possible, with the appropriate adaptations permitted by the ritual. They should receive the sacraments of baptism, confirmation, and Eucharist at the Easter Vigil, together with the older catechumens.

19. Some elements of the ordinary catechetical instruction of baptized children before their reception of the sacraments of confirmation and Eucharist may be appropriately shared with catechumens of catechetical age. Their condition and status as catechumens, however, should not be compromised or confused, nor should they receive the sacraments of initiation in any sequence other than that determined in the ritual of Christian initiation.

Abbreviated Catechumenate

20. The abbreviated catechumenate, which the diocesan bishop may permit only in individual and exceptional cases, as described in nos. 331-332 of the *Rite of Christian Initiation of Adults*, should always be as limited as possible. It should extend over a substantial and appropriate period of time. The rites prior to sacramental initiation should not be unduly compressed, much less celebrated on a single occasion. The catechumenate of persons who move from one parish to another or from one diocese to another should not on that account alone be abbreviated.

21. Candidates who have received their formation in an abbreviated catechumenate should receive the sacraments of Christian initiation at the Easter Vigil, if possible, together with candidates who have participated in the more extended catechumenate. They should also participate in the period of mystagogy, to the extent possible.

Mystagogy

22. After the completion of their Christian initiation in the sacraments of baptism, confirmation, and Eucharist, the neophytes should begin the period of mystagogy by participating in the principal Sunday Eucharist of the community throughout the Easter season, which ends on Pentecost Sunday. They should do this as a body in company with their godparents and those who have assisted in their Christian formation.

23. Under the moderation of the diocesan bishop, the mystagogy should embrace a deepened understanding of the mysteries of baptism, confirmation, and the Eucharist, and especially of the Eucharist as the continuing celebration of faith and conversion.

24. After the immediate mystagogy or post-baptismal catechesis during the Easter season, the program for the neophytes should extend until the anniversary of Christian initiation, with at least monthly assemblies of the neophytes for their deeper Christian formation and incorporation into the full life of the Christian community.

Uncatechized Adult Catholics

25. Although baptized adult Catholics who have never received catechetical instruction or been admitted to the sacraments of confirmation and Eucharist are not catechumens, some elements of the usual catechumenal formation are appropriate to their preparation for the sacraments, in accord with the norms of the ritual, "Preparation of Uncatechized Adults for Confirmation and Eucharist."

26. Although it is not generally recommended, if the sacramental initiation of such candidates is completed with confirmation and Eucharist on the same occasion as the celebration of the full Christian initiation of candidates for baptism, the condition and status of those already baptized should be carefully respected and distinguished.

27. The celebration of the sacrament of reconciliation with candidates for confirmation and Eucharist is to be carried out at a time prior to and distinct from the celebration of confirmation and the Eucharist. As part of the formation of such candidates, they should be encouraged in the frequent celebration of this sacrament.

28. Priests mentioned in canon 883, 2° also have the faculty to confirm (a) in the case of the readmission to communion of a baptized Catholic who has been an apostate from the faith and also (b) in the case of a baptized Catholic who has without fault been instructed in a non-Catholic religion or adhered to a non-Catholic religion, but (c) not in the case of a baptized Catholic who without his or her fault never put the faith into practice.

29. In the instance mentioned in no. 28 c, in order to maintain the interrelationship and sequence of confirmation and Eucharist as defined in canon 842, §2, priests who lack the faculty to confirm should seek it from the diocesan bishop, who may, in accord with canon 884, §1, grant the faculty if he judges it necessary.

Reception into Full Catholic Communion

30. Those who have already been baptized in another Church or ecclesial community should not be treated as catechumens or so designated. Their doctrinal and spiritual preparation for reception into full Catholic communion should be determined according to the individual case, that is, it should depend on the extent to which the baptized person has led a Christian life within a community of faith and been appropriately catechized to deepen his or her inner adherence to the Church.

31. Those who have been baptized but have received relatively little Christian upbringing may participate in the elements of catechumenal formation so far as necessary and appropriate, but should not take part in rites intended for the unbaptized catechumens. They may, however, participate in celebrations of the word together with catechumens. In addition they may be included with

uncatechized adult Catholics in such rites as may be appropriate included or mentioned in the ritual in Part II 4, "Preparation of Uncatechized Adults for Confirmation and Eucharist." The rites of presentation of the Creed, the Lord's Prayer, and the book of the Gospels are not proper except for those who have received no Christian instruction and formation. Those baptized persons who have lived as Christians and need only instruction in the Catholic tradition and a degree of probation within the Catholic community should not be asked to undergo a full program parallel to the catechumenate.

32. The reception of candidates into the communion of the Catholic Church should ordinarily take place at the Sunday Eucharist of the parish community, in such a way that it is understood that they are indeed Christian believers who have already shared in the sacramental life of the Church and are now welcomed into the Catholic eucharistic community upon their profession of faith and confirmation, if they have not been confirmed, before receiving the Eucharist.

33. It is preferable that reception into full communion not take place at the Easter Vigil lest there be any confusion of such baptized Christians with the candidates for baptism, possible misunderstanding of or even reflection upon the sacrament of baptism celebrated in another Church or ecclesial community, or any perceived triumphalism in the liturgical welcome into the Catholic Eucharistic community.

34. Nevertheless if there are both catechumens to be baptized and baptized Christians to be received into full communion at the Vigil, for pastoral reasons and in view of the Vigil's being the principal annual celebration of the Church, the combined rite is to be followed: "Celebration at the Easter Vigil of the Sacraments of Initiation and of the Rite of Reception into the Full Communion of the Catholic Church." A clear distinction should be maintained during the celebration between candidates for sacramental initiation and candidates for reception into full communion, and ecumenical sensitivities should be carefully respected.

35. The "Rite of Reception into the Full Communion of the Catholic Church" respects the traditional sequence of confirmation before Eucharist. When the bishop, whose office it is to receive adult Christians into the full communion of the Catholic Church (*RCIA*, no. 481 [R8]) entrusts the celebration of the rite to a presbyter, the priest receives from the law itself (c. 883, §2) the faculty to confirm the candidate for reception and is obliged to use it (c. 885, §2); he may not be prohibited from exercising the faculty. The confirmation of such candidates for reception should not be deferred, nor should they be admitted to the Eucharist until they are confirmed. A diocesan bishop who is desirous of confirming those received into full communion should reserve the rite of reception to himself.

36. The celebration of the sacrament of reconciliation with candidates for reception into full communion is to be carried out at a time prior to and distinct from the celebration of the rite of reception. As part of the formation of such candidates, they should be encouraged in the frequent celebration of this sacrament

37. There may be a reasonable and prudent doubt concerning the baptism of such Christians which cannot be resolved after serious investigation into the fact and/or validity of baptism, namely, to ascertain whether the person was baptized with water and with the Trinitarian formula, and whether the minister and the recipient of the sacrament had the proper requisite intentions. If conditional baptism then seems necessary, this must be celebrated privately rather than at a public liturgical assembly of the community and with only those limited rites which the diocesan bishop determines. The reception into full communion should take place later at the Sunday Eucharist of the community.

Approved by NCCB. 11 November 1986. *Recognitio* given 19 February 1987; legislation in force as of 1 September 1988. RCIA Appendix III.

CANON 792

Particular Legislation: Promotion of Missionary Activity.

Canada:

In accordance with the prescriptions of canon 792, the Canadian Conference of Catholic Bishops hereby decrees that in keeping with the missionary traditions of the Church in Canada, and recognizing all that has been done in this regard by various ecclesiastical agencies in this country, encouragement be given to such agencies in their endeavor to give fraternal welcome and pastoral care to those who come to Canada from mission countries to work or study.

As regards priests:

1. Priests who come to Canada to study shall have a letter from their diocesan bishop or religious Ordinary stating that they are in good standing and that suitable arrangements have been made for their support while in Canada.
2. Priests from mission countries wishing to exercise pastoral ministry while in Canada, shall first obtain, like any priest from outside the diocese, the approval of their diocesan bishop or religious Ordinary, as well as that of the Ordinary of the place where they intend to exercise their ministry.

This decree is effective immediately.

OD no. 607; 23-03-89; SC 24 (1990), p. 469.

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South Africa:

In accordance with the prescriptions of canon 792, the Southern African

Catholic Bishops' Conference hereby decrees that in keeping with the missionary tradition of the Church in Southern Africa, and recognizing the contribution of various ecclesiastical agencies in Southern Africa, encouragement be given to such agencies to give fraternal welcome and pastoral care to those who come from mission countries to the territories of the Conference to work or study. Moreover, such persons are to be invited to share in the spiritual and social life of the diocesan and parish community in which they reside.

Each diocesan Bishop is personally, or through his delegate, to do what is possible to provide suitable pastoral care to any person who comes to work or study in his diocese.

Priests who come to the SACBC Territories to study, shall have a letter from their ordinary stating that they are in good standing and that suitable arrangements have been made for their support while in any of the countries of the SACBC Territories.

Priests from mission countries wishing to assist in pastoral work while temporarily in the SACBC Territories shall first obtain the approval of the Ordinary of the place where they will exercise their ministry. Should such priests later wish to work permanently in any of these SACBC Territories, (the provisions of canon 268 are to be observed.

SACBC

CANON 793

Parents and the Education of Children:

John Paul II. address to participants in a juridical meeting organized by the Pontifical Institute *Ulriusque iuris*, 26 April 1986. *TPS* 31 (1986): 264-267.

CANON 796

Catholic Schools:

NCCB. statement supporting Catholic schools. 14 November 1990, *Origins* 20 (1990): 401-404.

CANON 803

Religious Dimension of Education in a Catholic School:

Cong. forCath Ed.. 7 April 1988. *Origins* 18 (1988): 213. 215-228

CANON 804

Development of Text Regarding Relationship between Bishops and Theologians, 11 November 1988. Private.

Letter from Archbishop Laghi to President of the NCCB:

I have just received from Archbishop Bovone by fax the attached observations concerning the document “Doctrinal Responsibilities.” Since this document will come under discussion in the forthcoming assembly of the bishops, the Congregation for the Doctrine of the Faith has asked me to send it to you in the hope that you will distribute it to the members of the Committee on Doctrine and also the bishops on the Administrative Committee.

It is also expected that the congregation will send a letter on this subject, but I am not certain that it will arrive before the opening of your meeting.

Observations from Archbishop Bovone, Secretary of CDF. to NCCB:

I. General Observations

The proposed document is not without its praiseworthy aspects, particularly in that area where it highlights the specific and different roles of bishops and theologians, underlining the need for mutual cooperation (pp. 8-18).

We are perplexed, nonetheless, by the realization that the entire third part of the document, which is dedicated to the formal doctrinal dialogue, seems to place bishops and theologians on the same level. This lacks coherence with previous indications regarding the different roles of the two subjects.

In reality, an attitude which tends to equate bishops and theologians appears to inspire the whole orientation of the document, since from the Preface itself (p. 4, line 21) it is stated that “Doctrinal Responsibilities” is “an instrument for promoting cooperation and for helping to resolve theological questions between bishops and theologians.” On page 5 there is further clarification of the term “questions” as “unnecessary disputes” (line 11) and “doctrinal disputes between bishops and theologians in dioceses” (line 15). At lines 20-25 it is stated even more explicitly: “The recommended structures ... for resolving doctrinal disputes draw upon experience already acquired by the church in the United States for building a spirit of collaboration and resolving conflicts. They are designed to address the special problems of disputes of a doctrinal nature.”

It is precisely throughout the third part of the document, however, which is titled “A Possibility for Formal Doctrinal Dialogue,” that the equalizing attitude emerges most evidently.

From the opening lines (p. 31, lines 9ff) it is said that between bishops and

theologians “there may be differences of opinion, disagreements or concerning doctrinal matters.”

On page 39, line 15f, it is further stated that “disputes between members of the ecclesiastical magisterium are usually complex and may involve deep feelings.”

Even if on page 32, line 1 f, it is said that “each would participate according to his respective role in the church,” the two parties in the dialogue are practically placed on the same level, as is clear, above all, from the terminology. In paragraph B which introduces the “participants” (in the dialogue), at page 33, line 10ff, it reads: “The theologian or bishop who requests the use of this formal dialogue is termed the ‘initiating party’. The other partner who agrees to this formal dialogue is termed the ‘second party’.”

One can also see some practical consequences emerging, for example, in the description of the role of other persons involved in the dialogue. On page 34. line 12f. concerning experts it is said that “if the experts are unanimous in agreement, the parties should not reject their opinion without grave reason.” Here, above all, (the experts come to have a prevalent position even in regard to that of the bishop.

On page 36. line 5f, regarding the dialogue’s formal, the possibility of a “contact person” is introduced whose primary function is “to determine whether the request for dialogue is legitimate” (p. 37, line 5f). This provision empowers a third person to judge whether, hypothetically, even the request of the bishop is legitimate or not.

II. Particular Observations

On page 16. line 15: “The documents of tradition”: perhaps it would be better to state explicitly the particular value of the documents of the magisterium among (the documents of tradition.

On page 24, line 16f: “A small committee” is proposed, to which eventual complaints about theologians will eventually be sent and which would evaluate these complaints in first instance. Isn't there a risk that this will create an obstacle to free access to the bishop for every one of the faithful?

On page 25. lines 7-8: “Respecting the legitimate concerns of the American system of higher education.” Doesn't this limitation to the imparting of correct doctrine risk being used in terms restrictive of Catholic identity?

Page 27. line 25f: Dealing with the “theological consultants” of the bishop, it states: “The competence of theologians who serve in any consultative capacity should be recognized by their peers.” Doesn't this limit the freedom of the bishop?

On page 28, line 5f, it is added that there are advantages in “making public the names of consultants and perhaps even (the selection process.” Doesn't this too limit the freedom of the bishop?

On page 32, line 5f: “If a bishop is to make a final determination of his view of

a theologian's teaching, he must present objective grounds for doing so." Doesn't this statement bind too much the autonomy of the bishop?

On page 44, line 17ff. Here too the role of the church's magisterium is presented. Would it not be helpful in this context to mention explicitly the documents of the Congregation for the Doctrine of the Faith and illustrate their specific value?

III. Concluding Observation

The impression one gets from the quotations cited and from the entire document is that it tends to formulate the problem of the relationship between bishop and theologian principally as a question that concerns the subjective level and, thus, as a problem of the defense of the rights of the persons involved. At the same time the question of the objective level of the content remains on a secondary level. It is on this level of the content that the bishop (especially when one treats of subjects already dealt with by the magisterium) has, for the good of the faithful, an ultimate and specific responsibility.

Letter from Bishop Lessard to the Congregation for the Doctrine of the Faith:

"This morning, as you know, the Committee on Doctrine was scheduled to present for your final consideration the document "Doctrinal Responsibilities." Since this text was last presented to you at our general meeting in November 1987, the committee has continued to refine it, in accord with suggestions you have made, first during the general meeting and then in response to the revised text that was mailed to you in April 1988. At that time an overwhelming majority of bishops responding to our informal straw poll on the text approved it without reservation, while most other bishops responding indicated their satisfaction with the text provided that some further revisions be made.

When a final text was mailed to you for this meeting, the committee was persuaded that the document was sound and balanced. It appropriately stated our hopes for greater theological cooperation in the church in the United States. The document affirmed the unique teaching responsibilities of the bishops, while helpfully suggesting a possible approach for resolving misunderstandings on doctrinal matters. The committee made a special effort in recent weeks to refine the text more precisely so as to avoid the possible misinterpretation that formal doctrinal dialogue might compromise the teaching authority of a bishop.

As we convened here in Washington, however, the committee received, through the Apostolic Pro-Nuncio, a five-page statement from Archbishop Bovone, the secretary of the Congregation for the Doctrine of the Faith, containing certain "observations" on the document. Copies of this statement will be available, together with a copy of my remarks, at the end of this morning's session. In the

statement, a general observation is made stating the impression that “Doctrinal Responsibilities,” especially in its third, procedural part, seems to suggest an equality between bishops and theologians. This general concern is followed by some particular observations on individual passages of the text.

On behalf of the committee, I should note for you that these and many similar points were already among those that the committee had weighed and discussed seriously at our regular meetings over the past three years. We were convinced that they were sufficiently addressed. We felt that “Doctrinal Responsibilities” carefully described the context and the desirability of greater cooperation between bishops and theologians, and framed a reasonable and fair approach for restoring a cooperative spirit when it breaks down. Nevertheless, on reading the “observations” sent to us from Archbishop Bovone’s office, we had to consider carefully the impression registered there. Since these “observations” reached us so late, the committee did not have sufficient time to discuss them adequately. In addition, we understand that a further letter will be sent to us from the congregation, although the nature of that letter was not indicated.

Consequently, the committee wishes to inform you now that we have recommended to the conference president that the formal debate and vote on “Doctrinal Responsibilities” be deferred. Our recommendation includes three things:

1. That the committee have time to consider any further eventual communication from the Congregation for the Doctrine of the Faith.
2. That, in accord with conference procedures, the committee arrange for a meeting with representatives of the congregation to clarify further the concerns of the congregation, and to explain the intent and content of “Doctrinal Responsibilities.”
3. That the committee present “Doctrinal Responsibilities,” with whatever appropriate clarifications, to the full body of bishops for final discussion and vote in June.

The committee feels that its recommendation is by far the wisest course at the present. [...] We had certainly wished to conclude our work on the document this week. But that did not prove possible. The spirit in which it has been drafted, however, is already present. The dialogue it encourages may be pursued even before a formal acceptance of the text.

Finally, and with very deep gratitude, I have the pleasure at this time, as I conclude my term as chairman of the present committee, to express my appreciation to its members, advisers and consultants. Their names are known to you and are published in the information report. But only the chair of such a committee can know intimately the dedication, intelligence and grace with which they have sought to serve God’s word, the church and you, my brother bishops.

I thank them most sincerely, and I thank you for the singular opportunity of serving as chair of a committee that aspires to care for the *sacra doctrina* entrusted to us.

Archbishop Laghi, Archbishop Bovonc. Bishop Lessard, letters regarding text on relationship between bishops and theologians. 10 Nov. 1988. *Origins* 18 (1988): 389-391.

Cooperation between Bishops and Theologians, 19 June 1989. Private.

Preface

The present document constitutes a part of the continuing work by the Committee on Doctrine concerning the teaching mission of the church. While the material was first prepared by a Joint Committee of the Canon Law Society of America and the Catholic Theological Society of America, with extensive consultation among bishops and scholars, this current text represents a revision drafted by the Committee on Doctrine in the winter of 1986-1987 and then emended in view of suggestions from the Administrative Committee in September 1987 and amendments or suggestions proposed before and during the general meeting of November 1987.¹ After further consultation with the full body of

In June 1980 an Ad Hoc Committee on Cooperation Between Theologians and the Church's Teaching Authority reported to the Catholic Theological Society of America and recommended that the CTSA and the Canon Law Society of America jointly form a committee "to develop a proposed set of norms to guide the resolution of difficulties which may arise between theologians and the magisterium in North America" (*Catholic Theological Society of America Proceedings*, 35 [1980]. p. 331). The two societies agreed and, in September 1980, they formally constituted The Joint CLSA-CTSA Committee on *Cooperation Between Theologians and the Ecclesiastical Magisterium*.

The committee divided its task into two phases. In the first, the members prepared six background studies and published them for scholarly discussion and criticism as *Cooperation Between Theologians and the Ecclesiastical Magisterium*, edited by Leo J. O'Donovan, SJ (Washington: CLSA, 1982). In the second phase, the committee worked to develop procedures for cooperation and circulated them for reaction from representative bishops, canonists and theologians. Further, Bishop James R. Hoffman (Toledo), Bishop John F. Kinney (Bismarck, N.D.), and Archbishop Daniel E. Pilarczyk (Cincinnati), accepted the committee's invitation to join its meetings and contribute to the formulation of its final document.

The joint committee completed its procedural document, "Doctrinal Responsibilities," and presented it to the annual meetings of the two societies in June and October 1983, where it received unanimous votes of approval. The societies then presented it to the NCCB, which remitted it to the Committee on Doctrine. After a preliminary review by the committee under the chairmanship of Archbishop John R. Quinn, "Doctrinal Responsibilities" was taken up again in 1986 by the reorganized Committee on Doctrine chaired by Bishop Raymond W. Lessard. This committee accepted the document as a working draft and collaborated with representatives of the joint CLSA-CTSA committee to develop it in its present form.

Previous to this entire project, the National Conference of Catholic Bishops had adopted two other procedural documents. In 1972, the conference adopted "On Due Process," (revised, Washington, DC: NCCB, 1972) as a model for due process in dioceses. In 1979, the conference issued its procedures for

bishops from April through June of 1988 and with the Holy See in 1989. and subsequent revisions, “Doctrinal Responsibilities” has been clarified and strengthened as an instrument for promoting cooperation and for helping to resolve theological questions between bishops and theologians.

The document is in three parts.

Part I. The Context of Ecclesial Responsibilities, presents a general statement of the ecclesial framework, the operative principles, and the responsibilities and rights of bishops and theologians. This section does not propose a full, much less a definitive, theological treatment. Rather it speaks in a summary and descriptive way to provide a context for the rest of the report.

Part II, Promoting Cooperation and Informal Dialogue, recommends ways in which bishops and theologians can enhance cooperation in their common service of the Gospel and the church, especially through personal contacts and informal dialogue. This section focuses on positive efforts to promote cooperation and also makes suggestions for actions by which bishops or theologians can screen complaints from third parties so that unnecessary disputes might be avoided.

Part III. A Possibility for Formal Doctrinal Dialogue, sets out a suggested procedure designed specifically to deal with doctrinal disputes between bishops and theologians in dioceses. Since the circumstances in the nearly 200 dioceses of the United States vary widely, the approach given here is intended to be flexible and adaptable to local needs.

The recommended structures for promoting cooperation and for resolving doctrinal disputes draw upon experience already acquired by the church in the United States for building a spirit of collaboration and resolving conflicts. They are designed to address the special problems of disputes of a doctrinal nature. It must be stressed that these guidelines can only serve if they are *adapted* to the particular conditions of a diocese, its history and its special needs. The document presents a full complement of procedures as something from which bishops and theologians can draw. The adaptability of the procedures to local conditions by mutual consent of bishops and theologians should promote collaboration and conflict resolution. Although this report is concerned with theologians who are members of the Catholic Church, its approach may also prove useful with other theologians in Catholic institutions.

Both bishops and theologians are called to serve the word of God (cf. *Dei Verbum* 10; *Christus Dominus*. 12). In the exercise of their office, bishops serve through authoritative teaching (*Lumen gentium*, 25). On the basis of scholarly competence illumined by faith (*Denzinger-Schonmetzer*, 3016), theologians serve through disciplined reflection seeking an understanding of the Gospel for humanity

conciliation and arbitration. Committee on Conciliation and Arbitration. (Washington. [X? NCCB. 1979) However, in contrast with “Doctrinal Responsibilities.” those procedures dealt only with administrative conflicts.

today (*Gaudium et spes*, 62). As they fulfill their distinctive but complementary duties, both bishops and theologians are sustained by the faith of the church in God's revelation and by their participation in the church's life of prayer, especially the sacred liturgy.

Moreover, in a time of philosophical and theological pluralism, much of which is good and enriching, the task of building cooperation between bishops and theologians becomes more urgent than ever, so that Catholic doctrine may be effectively taught and intractable disputes avoided. A common commitment of bishops and theologians to the integrity of the word of God and a common sensitivity to the pastoral implications of theological teaching within the church can make the structures suggested effective both in promoting cooperation and in resolving disputes.

The approach outlined here is offered to bishops and theologians in the United States for their use, though it does not have the status of law. Obviously, when used, these guidelines are to be interpreted in a manner consistent with the *Code of Canon Law*. Likewise they presuppose, as will be indicated in the pages that follow, the teaching of the Second Vatican Council and the subsequent statements of the magisterium on the nature of episcopal office and authority in the church.

This document is not intended to offer suggestions for handling specific cases of dissent. Neither is it primarily to provide an approach to clarifying Catholic doctrine, although this may be one benefit of the process. Finally it does not in any way presuppose a situation of tension or envisage adversarial relations between bishops and theologians in the United States, as if the rights of one had to be protected against the other. On the contrary, the purpose of this document is to encourage increased communication and collaboration between bishops and theologians, to forestall disputes and if such disputes arise to promote their resolution for the good of the faithful. Its guidelines will be reevaluated and, if necessary, refined in the light of these goals and the experience in using them.

I. The Context of Ecclesial Responsibilities

A. Context and Principles

The ecclesial context is critical for understanding the relationship between bishops and theologians, for encouraging cooperation and for constructing an adequate approach to prevent or to address disputes related to the church's teaching.

Before considering the different services which bishops and theologians render to the church, it is important to recognize what they have in common as members of the body of Christ. In virtue of their faith, baptism and communion with the church, bishops and theologians alike – however distinct their ministries, charisms and authority – are dedicated to the active proclamation of (he Gospel and its

transformative power for contemporary society. Both participate in the community's experience of faith and both seek to promote greater understanding of the word of God. In their common effort, both recognize the importance of communicating the faith with sensitivity to the cultural pluralism of today's world. Their common fidelity to the word of God permeates the particular responsibilities and rights of bishops and theologians; revelation is the good which both serve in analogous ways according to their distinctive ecclesial roles (*Dei Verbum*, 10, International Theological Commission, "Theses on the Relationship Between the Ecclesiastical Magisterium and Theology." Thesis 2). Thus, in different ways, rooted in the sacramental life of the church, theologians and bishops discharge the mission of the church "to show forth in the world the mystery of the Lord in a faithful though shadowed way, until at last it will be revealed in total splendor" (*Lumen gentium*, 8).

In his address to leaders of Catholic higher education at Xavier University in New Orleans on Sept. 12, 1987. Pope John Paul II stressed this ecclesial context which bishops and theologians share in common and which helps clarify the right relations between them. These words and the practice of *communio* they embody, we make our own: "Theology is at the service of the whole ecclesial community. The work of theology involves an interaction among the various members of the community of faith. The bishops, united with the pope, have the mission of authentically teaching the message of Christ; as pastors they are called to sustain the unity in faith and Christian living of the entire people of God. For this they need the assistance of Catholic theologians, who perform an inestimable service to the church. But theologians also need the charism entrusted by Christ to the bishops and, in the first place, to the bishop of Rome. The fruits of their work, in order to enrich the life stream of the ecclesial community, must ultimately be tested and validated by the magisterium. In effect, therefore, the ecclesial context of Catholic theology gives it a special character and value, even when theology exists in an academic setting."²

Thus, diverse gifts, ministries and authority exist for the full development of the church's unity in life and mission. They require an ecclesiological application of shared responsibility, legitimate diversity and subsidiarity. Upon the bishops devolves the responsibility to encourage this diversity and to unify the various contributions of members of the church. It is inevitable that misunderstandings about the teaching of the Gospel and the ways of expressing it will arise. In such cases, informal conversation ought to be the first step toward resolution. If this proves unproductive, a reasonable, clear and fair process must protect fundamental human and sacramental responsibilities and rights of all parties concerned. Any guidelines developed for such cases should encourage that free and responsible theological inquiry in service to the Gospel which is faithful to Catholic tradition,

² *Origins* (Oct. 1, 1987), p. 270, paragraph 7.

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in accord with the teaching authority of bishops and responsive to the needs of the church and the world. Similarly, any guidelines should promote the informed judgment of the bishops and hence their freedom to act responsibly as guardians and authoritative teachers of the faith.

Hence, the ultimate goal and importance of these procedures are to foster collaboration between bishops and theologians for the good of the entire church, recognizing the vocation of theologians to study, clarify and mediate the truth of the Gospel which the magisterium authoritatively proposes? The recommendations given in Parts II and III deal with the diocese. It is advisable that attempts to resolve doctrinal disputes be made first at the local level before an appeal is made to the Holy See. Of course, any bishop or theologian can contact the Holy See directly; but in terms of subsidiarity, every effort should ordinarily be made to initiate the process within the local church.⁴

¹ Cf. International Theological Commission. *Theses on the Relationship Between the Ecclesiastical Magisterium and Theology* (Washington. DC: USCC 1977). Theses 2 and 4:

Thesis 2:

"The element common to the tasks of both (the magisterium and theologians, though it is realized in analogous and distinct fashions, is 'to preserve the sacred deposit of revelation, to examine it more deeply, to explain, teach and defend it.' for the service of the people of God and for the whole world's salvation. Above all, this service must defend the certainty of faith; this is a work done differently by the magisterium and by the ministry of theologians, but it is neither necessary nor possible to establish a hard and fast separation between them."

Thesis 4:

"Common to both, although also different in each, is the manner, at once collegial and personal, in which the task of both the magisterium and the theologian is carried out. If the charism of infallibility is promised to 'the whole body of the faithful, to the college of bishops in communion with the successor of Peter and to the Supreme Pontiff himself, the head of that college, then it should be put into practice in a co-responsible, cooperative and collegial association of the members of the magisterium and of individual theologians. And this joint effort should also be realized as much among the members of the magisterium as among the members of (the theological enterprise, and also between the magisterium on the one hand and the theologians on (the other. It should also preserve the personal and indispensable responsibility of individual theologians, without which the science of faith would make no progress."

¹ Subsidiarity as used in this text was introduced into ecclesiology by Pius XII in his address to the newly created cardinals of Feb. 20. 1946:

"That is why the Apostle of the Gentiles, speaking of Christians, proclaims they are no more 'children tossed to and from by the uncertain drift in the midst of human society. Our predecessor of happy memory, Pius XI. in his encyclical *Quadragesimo Anno* on social order, drew a practical conclusion from this thought when he announced a principle of general application, viz: that what individual human beings can do by themselves and by their own forces should not be taken from them and assigned to the community. -' -il

"It is a principle that also holds good for smaller communities and those of lower rank in relation to those which are larger and in a position of superiority. For- as the wise pontiff said, developing his thought every social activity is of its nature subsidiary (*sussidiaria*); it must serve as a support to members of the social body and never destroy or absorb them. These are surely enlightened words, valid for social life in all its grades and *also for the life of the church without prejudice to its hierarchical structure*

The terms *magisterium*, *theologian* and *responsibilities and rights* are frequently used in this report. There is considerable variation in the current use of these words, but for the sake of clarity the following specific meanings are stipulated here.

Magisterium will be used to refer to the ecclesiastical magisterium, i.e., to the unique teaching authority exercised in the name of Christ by the pope and other bishops united with the pope. Throughout, this document affirms the final pastoral authority of the episcopal office in the church and the tasks of sanctifying, teaching and ruling which are conferred by the sacrament of orders (cf. *Lumen gentium*, 21 and the International Theological Commission's Thesis 6). By their ordination and hierarchical communion, bishops are members of the college of bishops and authoritative teachers in their local churches. By virtue of their divine and ecclesial mission and with a discerning awareness of the needs of contemporary society, bishops have the pastoral duty in the name of Christ to proclaim the word of God with authority, to teach the truth of the faith and to maintain the authentic interpretation of the word of God as it has been handed down in the course of history (cf. *Lumen gentium*, 25; *Dei Verbum*, 10). For this reason, the "Directory on the Pastoral Ministry of Bishops" stated for every bishop: "In order that he (the bishop) may be found a faithful minister and supporter of the orthodox faith that has been handed on to him, protecting it from errors and dangers, he must diligently cultivate theological science and daily increase it with new yet proven doctrine" (Directory, Part 1. Chapt. 4, No. 24).

The term *theologian* in these pages is used to designate the Catholic who seeks to mediate, through the discipline of scholarship, between a living faith and the culture it is called to transform (*Gaudium et spes*, 44, 62).^s Thus, within the ecclesial community, theologians fulfill certain specific tasks. Like other Catholics, theologians live lives of faith within the community and in fidelity to the

"Now venerable brethren, over and against this doctrine and practice of the church, place in their real significance the tendencies of imperialism' (AAS 38 [1946] 144-5).

In his letter to the presidents of the episcopal conferences throughout the world. Cardinal Francis Scper, prefect of the Sacred Congregation for the Doctrine of the Faith, used this same principle in his formulation of the mandate for the recently established doctrinal commissions of these conferences. His eminence connects this principle with the mind of the Second Vatican Council:

"*Episcopi opera commissionis doctrinalis uti possum in quaestionibus quae ternionum cunferentiae seu coetus episcopalis tangunt. Ad determinandum vero quaenam negotia ad hanc sacram congregationem mittenda sint, prae oculis habeatur 'prini ipium subsidianetatis'. ad mentem Concilii Occumentci Vaticani II, ita nimirum ut ordinarie ipsae conferentiae seu ipsi coetus per se expediam ea quae suos territoriales limites non excedunt, neque ob aliam rationem peculiarem sanctae sedis interventum requirere videantur*" (July 10. 1968. Prot. N. 214/67).

Also see Thesis 12 in International Theological Commission.

^s From another point of view and concerned more with theology's function *ad intra*, the International Theological Commission recalls the assertion of Pope Paul VI and speaks of the theologians as "in some way mediat(ing) between (he magisterium and the people of God " Thesis 5, No. 2 This thesis also recalls the urgent question of culture addressed in *Gaudium et spes*, 62

teaching authority of the church (*Lumen gentium*, 25). Grounded in the commitment of their ecclesial faith and trained in the skills of scholarship, theologians systematically explore the nature and foundations of God's revelation and the teaching of the church. They examine the interrelationships of Christian truths and offer interpretations of God's word in response to the challenges of contemporary society. Though theologians as such share in the church's mission to serve the Gospel as effectively as possible and do so through their scholarly work, they are not primarily preachers or catechists. Typically, they hold a doctorate or comparable degree in one of the sacred sciences, have had extensive exposure to the Catholic tradition in their particular area of expertise and are engaged in teaching and research in a seminary, college or university.

The contribution and cogency of a theologian's work, therefore, depend upon scholarly competence that is rooted in faith and is faithful to the church's teaching under the guidance of the Holy Spirit (International Theological Commission, Thesis 6, No. 2). That competence can be assessed from the quality of the evidence theologians adduce and the soundness of the arguments they advance for the sake of Christ's truth. Such competence can be shown, for example, when theologians ask searching and serious questions as they seek to discern and communicate the abiding truth of Christ. The constructive critical quality of theological scholarship does not compromise its fidelity to the church and its magisterium, but indicates the disciplined reflection characteristic of genuine scholarly investigation.

Responsibilities and rights are used variously in law and ethics. We mean by "right" a moral or legal power to act or to be immune from injury. Responsibilities, and the rights with which they are correlative, have their source in one's human dignity, in one's standing in the church or from one's functions within the Catholic community. Commonly, the possession of a right is distinguished from its exercise, because the exercise of a right may be circumscribed in order to protect the common good or the rights of others, even though the right itself remains intact. In the Catholic heritage, individual rights are always to be promoted within the context of the common good.⁶

B. The Responsibilities and Rights of Bishops

The guidelines proposed in this document reflect a concern to recognize and

⁶ The term *interests* sometimes occurs in discussions of responsibilities and rights. In such cases, it designates other and more elusive factors in a conflict situation. Interests relate to particular and concrete concerns involved in the exercise of personal or official discretion. Interests arise in the pursuit of one's rights or obligations, or more generally, from the freedom appropriate to all the people of God. Within this ecclesial context, the procedures designed to resolve conflicts must determine facts, the responsibilities and rights of the parties, and the interests of the parties which are at issue.

foster the responsibilities and rights of both bishops and theologians.⁷

The responsibilities and rights of bishops flow from their pastoral office of teaching, sanctifying and governing in the church. These tasks (*munera*) cannot be fully separated one from the other; they form a single pastoral office. Of the responsibilities and rights of bishops which arise from their pastoral task of authoritative teaching, we call attention to the following.

Pre-eminent among the responsibilities of bishops is preaching the word of God. Bishops are also charged to preserve and protect the truth of faith, i.e., to transmit the authentic Gospel of Christ. Moreover, in the particular church where he serves, the bishop is to teach in the name of Christ and the church; he is to make the pastoral judgment as to how the faith of the community will be publicly expressed at a given time and place. For that reason, the bishop is called upon to judge whether some opinions endanger or are contrary to faith and the Christian life. But it is also the responsibility of bishops to discharge their office so as to respect the gifts imparted by the Holy Spirit to various members of the church. It follows that in the exercise of their pastoral role, bishops should encourage theologians to pursue a deeper understanding of the Gospel and its meaning for contemporary life (*Lumen gentium*, 25; *Christus Dominus*, 12, 13, 14; *Presbyterorum Ordinis*, 19; *Gaudium et spes*, 62; International Theological Commission Thesis 5, No. 1). In order to encourage theology and to make provisions for the consultation he needs in his teaching, the bishop should select the most suitable candidates for theological studies and should encourage these studies among religious communities and lay men and women within his diocese.

In addition to these responsibilities, certain rights of bishops are rooted in their task as teachers. Thus, the bishops of particular churches have the right to exercise their care for the truth of the Gospel in the church over which they preside. The bishops teach in the name of Christ and his church, in union with the head and other members of the episcopal college. What they teach should meet with that religious reception proportionate to the degree of authority with which it is presented (*Lumen gentium*, 25; c. 753)

But bishops also have the right to draw upon the contributions and the gifts of all who share the church's saving mission, which includes the heralding of the faith (*Lumen gentium*, 2-3, *Ad Gentes*. 10-18). In their particular church communities bishops have the right to the cooperation and support of the priests who form one presbyterate with the bishop. Bishops also have a right to the collaboration of theologians: Bishops draw on their scholarly competence and support as well as rely upon them as one necessary resource for their own ongoing theological study.

⁷ Because these responsibilities and rights have been discussed elsewhere, they are recalled here only schematically to provide the general context for the sections that follow. See, for example, the articles by John P. Boyle, Robert J. Carlson, Jon Nilson and John A. Alesandro in O'Donovan, ed., *Cooperation*.

Bishops consult theologians for aid in scrutinizing the signs of the time and in evaluating new issues and questions. Bishops look to theologians for aid in keeping their own formulations of Catholic belief and practice faithful to the word of God. Further, bishops have a right to require in the name of the church that theologians faithfully discharge their own responsibility for the integrity of the Gospel. Bishops must also have the freedom to teach without interference from civil authority or unwarranted criticism by theologians or others in the church. Finally, because their solicitude extends to the universal church, bishops have a right to expect fraternal support from one another.

C. The Responsibilities and Rights of Theologians

The responsibilities and rights of theologians may be grouped according to the ways in which theologians participate in the life of the church.

As members of the community of faith, theologians share the common responsibility of maintaining the unity and integrity of Catholic faith, reflected in the *sensu fidei* (cf. *Lumen gentium*, 12) and the documents of tradition in which it is set forth. They must keep in mind the pastoral and missionary effects of their work (International Theological Commission. 3). Theologians also acknowledge that it is the role of bishops as authoritative teachers in the church to make pastoral judgments about the soundness of theological teaching so that the integrity of Catholic doctrine and the unity of the faith community may be preserved. In other words, theological teaching always remains subject to testing in the life of the church and to the teaching of its bishops.

As scholars, theologians discharge their responsibility in fidelity to apostolic faith by meditative appropriation of the faith and by critical inquiry according to the principles of that branch of theology in which their work is done? “ As they

¹ International Theological Commission, Thesis 8. p. 6: “The difference between the magisterium and the theologians takes on a special character when one considers the freedom proper to them and the ential function that follows from it with regard to the faithful, to the world, and even to one another

“1. By its nature and institution, the magisterium is clearly free in carrying out its task. This freedom carries with it a great responsibility. For that reason, it is often difficult, although necessary, to use it in such a way that it not appear to theologians and to others of the faithful to be arbitrary or excessive. There are some theologians who prize scientific theology too highly, not taking enough account of the fact that respect for the magisterium is one of the specific elements of the science of theology. Besides, contemporary democratic sentiments often give rise to a movement of solidarity against what the magisterium does in carrying out its task of protecting the teaching of faith and morals from any harm. Still, it is necessary, though not easy, to find always a mode of procedure which is both free and forceful, yet not arbitrary or destructive of communion in the church.

“2. To the freedom of the magisterium there corresponds in its own way the freedom that derives from the true scientific responsibility of theologians. It is not an unlimited freedom, for, besides being bound to the truth, it is also true of theology that ‘in the use of any freedom, the moral principle of personal and social responsibility must be observed’ (*Dignitatis Humanae*. No. 7). The theologians’ task of interpreting the documents of the past and present magisterium, of putting them in the context

fulfill that responsibility, theological scholars must expect to exchange constructive criticism with other scholars, other Christians and other interested persons of good will. Fidelity to the faith and to the canons of sound scholarship requires a willingness on the part of members of the theological community to exchange candid judgments on one another’s work.

As members of diverse communities, theologians have the responsibility to seek suitable ways of communicating doctrine to people today. They should adapt the communication of their research to the audience of their lectures or publications, and take into account the effect their presentation may have. They should use pastoral discretion in dealing with the communications media in order to avoid any harm which might result from premature or inappropriate dissemination of their thought to the theologically untrained (International Theological Commission. Thesis 3, No. 4).

To the extent that theologians accept more specifically ecclesiastical activities, such as the formation of future priests, they must accept reasonable canonical ordering of their work.

Correlative to the responsibilities of theologians in the life of the church are certain rights. Paramount among them is lawful freedom of inquiry and expression of scholarly opinion (c. 218; *Gaudium et spes*, 62). As they discharge their responsibilities, theologians have the right to moral support from the church, though they must also expect and even welcome objective criticism of their work.

Closely related to that right is another: the right of the theologian to a good reputation (c. 220; *Gaudium et spes*, 26). and, if needed, the defense of that right by appropriate administrative or judicial processes within the church. In cases of dispute, the theologian has the right to expect access to a fair process, protecting both substantive and procedural rights. In addition, as professional scholars, theologians have the right to employ the usual means of research and publication and to associate freely in private and professional groups.

II. Promoting Cooperation and Informal Dialogue

A The Purposes and Climate of Cooperation

Authoritative teaching and theological inquiry are distinct but inseparable tasks.

of the whole of revealed truth and of finding a better understanding of (hem by the use of hermeneutics, brings with K a somewhat critical function which obviously should be exercised positively rather than destructively."

International Theological Commission. Thesis 5, No. 2 "The theologian’s task of interpreting the documents of the past and present magisterium, of putting them in the context of (he whole of revealed truth and of finding a better understanding of them by the use of hermeneutics, brings with it a somewhat critical function which obviously should be exercised positively rather than destructively " For the entire thesis as (he context of this assertion, cf the noted cited above at 8

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For this reason, bishops and theologians need to cooperate with one another in accordance with their respective responsibilities to enhance the quality of their diverse service to the church. This cooperation is intended to realize the ideals of mutual encouragement, support and assistance which are proposed by Vatican II, as well as to promote the efficacy of the episcopal office, the soundness of theological scholarship and that unity without which the church's mission in the world becomes weak and diffuse (*Lumen gentium*, 4, 13; *Dei Verbum*, 8; *Gaudium et spes*, 44).

Cooperation between theologians and bishops ought to play a significant, indeed indispensable, role as context and prelude to the employment of formal doctrinal dialogue for resolving doctrinal disputes. Bishops and theologians involved in ongoing collaboration are likely to grow in respect and trust for one another and thus to assist and support their respective service to the Gospel. As they appreciate each other's struggles to be faithful to the demands of the Gospel according to their different functions in the church, their mutual respect and trust should grow. This may serve to prevent theological disagreements and differences in viewpoint from degenerating to such an extent that formal doctrinal dialogue must be used to resolve the conflict.

Even in cases where formal doctrinal dialogue is employed, structured cooperation will already have established a climate in which all the parties are motivated to act prudently, patiently and in charity (*Dignitatis Humanae*, 14). Regular and meaningful cooperation provides the opportunity for each party to discern and clarify the responsibilities, rights and interests of the other. Thus, if and when formal doctrinal dialogue is requested, both bishops and theologians can be aware of the necessary distinctions and of the possibilities and limitations of formal procedures used to deal with them.

Cooperation has a long history in the church. In our own century prior to Vatican II, there were well-established ways for theologians to cooperate with bishops in their tasks of teaching, sanctifying and governing in the church. In the 1917 *Code of Canon Law*, theologians (who were, in almost all cases, clerics) were envisaged as members of seminary faculties, as censors of books, as synodal examiners and as conciliar and curial experts. In the revised *Code of Canon Law*, even more cooperative roles for theologians are envisaged, at least by implication.¹¹

Bishops do rely upon theologians, explicitly or implicitly. Every bishop has been educated by theologians. So has every priest who cooperates with him in his ministry. Bishops have been encouraged, even charged, to study theology regularly to inform their preaching and to make their exercise of the pastoral office more

¹¹Cf. John A. Alcsandro, "The Rights and Responsibilities of Theologians A Canonical Perspective," in O'Donovan, ed., *Cooperation*, pp. 101-102.

effective.¹¹ So the appropriate questions are: How should bishops select theologians for consultation? When do they rely upon them? How is that reliance enacted?

Some bishops have appointed theologians as advisers and vicars for theological affairs, or have established boards of theological consultants.¹² The NCCB regularly calls upon theologians to cooperate in its work. While collaborative efforts like these are surely encouraging, much more needs to be done.¹³

Theologians, too, could profit from reinvigorated cooperation. Their relationship to the church, which is an essential element in their identity and work as Catholic theologians, may take a further vital form in the course of collaboration with bishops. Cooperation would thus enable theologians better to understand and to fulfill their specific responsibilities in the church.

While the focus of this section of the report is on structured cooperation between bishops and theologians, not all cooperation need or should take place in a formal mode. If bishops and theologians are convinced of the importance of the help they can render one another in carrying out the mission of the church, they will be determined and creative in seeking ways to work together informally. Without the pressure of a crisis, they may find their conversations deeply nourishing and empowering. Together they need to foster regular and personal ways of contact

The emergence of an important national issue, the promulgation of a papal document, the weeks preceding or following a meeting of the NCCB can be occasions for the bishop and theologians of a diocese to discuss materials, proposals or concerns and to discern their local implications and applications. Further, bishops could invite Catholic faculties of theology to consider and evaluate theological issues which have arisen in the life of the church. On the other hand, Catholic colleges, universities and seminaries might make it a practice to invite the bishop to campus events of theological or pastoral significance. Catholic scholars at secular institutions could do the same. In some dioceses, it may be feasible for bishops and theologians to meet regularly for informal exploration of mutual concerns or simply for shared prayer.

B. Implementing Structured Cooperation

I. Suggested areas of implementation. Initiation and development of

Lumen gentium, 25. See also Bishop John Cummins. "The Changing Relationship Between Bishops and Theologians." *Origins*. (June 17, 1982): 65-71. and Archbishop James Hickey. "The Bishop as Teacher," *Origins*, (July 29, 1982): 140-144.

"One method I find most helpful is to have the assistance of a personal theologian. We would not think of leading a diocese without someone trained in canon law. How much more then the presence of someone well trained in the authentic theology of the church?" Hickey, pp. 141-142.

¹ See Cummins, p. 69. for recent instances of cooperation between bishops and theologians; also. *Catholic Theological Society of America Proceedings* 35 (1980), pp. 332-336.

collaboration between bishops and theologians will not always require the establishment of new structures. Most dioceses already have offices, departments and staffs which assist the bishop in meeting his varied and complex responsibilities. The issues and areas delegated to these offices often have important theological dimensions, e.g., health care, ecumenical relations, adult education, catechetics, liturgy, finances and family life. It would be a relatively simple matter to invite competent theologians to serve as consultants to these offices or even as part-time staff members.

There are also other questions of concern and interest to both bishops and theologians in which a cooperative approach could yield very desirable results. The importance of these matters will motivate joint efforts to establish the appropriate collaborative structures to deal with them. Just as presbyteral councils and pastoral councils cooperate with their bishops, so ways could be developed for theologians and bishops to bring their expertise and talent to bear on concerns such as:

- The means and efficacy of the local church's proclamation of the Gospel.
- Diocesan goals, mission statements and priorities.
- Religious education materials in use or proposed for use in the diocese.
- Health care policies and procedures.
- Goals and policies of Catholic educational institutions in the diocese.
- Policies and guidelines for lectures, conferences and workshops held in the diocese.
- Priorities and policies for the church's charitable endeavors.
- Continuing education for priests, religious, deacons and catechists.
- The theological supports for diocesan statements, position papers and testimony to be presented in various civic and legal forums.
- The theological background for pastoral letters.
- Ecumenical relations.
- Diocesan employment policies and procedures.

Although bishops and theologians teach in very different ways, nevertheless the position of either can become the target of complaints and charges which have no substance or merit. Although the accuser(s) might be well intentioned, these situations are potentially volatile and enervating for everyone involved. In some dioceses, it may prove desirable to the diocesan bishop to establish a procedure which prevents groundless charges from occupying more time and attention than they deserve.

An individual or a small committee recognized by the bishop and the theological community for theological expertise, tact and pastoral sensitivity could be appointed by the bishop to screen these complaints. All complaints about

theological teaching in the diocese could be referred here, after they have been presented to the bishop as well as the theologian in question. The screening task, while respecting and protecting the dignity of the complainant, is to keep a groundless complaint from becoming a dispute which needlessly distracts the bishop and/or the theologian from their more important services to the church.

Another area that calls for cooperation is the provision contained in canon 812 of the revised *Code of Canon Law*. This requires theologians teaching in institutes of higher learning to have *{habeant oportet}* a mandate granted by the competent ecclesiastical authority. It is important that bishops and the theological community work together to formulate a constructive way of ensuring the pursuit of truth in teaching Catholic doctrine, observing church law and respecting the legitimate concerns of the American system of higher education.

2. Means of implementation. The first steps toward structured cooperation can be taken by the bishop or by theologians in his diocese. The bishop himself can request the theologians to provide him with the names and areas of expertise of theologians who are willing and competent to offer their services to the local church in a collaborative way. Theologians themselves could also develop such information and offer it to the bishop. Either way, the local church would have more substantial theological expertise available to it.

With a view to appointing a theological adviser, the bishop could also consult widely with theologians inside and outside the diocese. In larger dioceses, this adviser could be of great assistance for theological affairs and serve as the bishop's liaison to the theologians in the diocese. The theological adviser could facilitate contact between the bishop and the theologians. Such a person should not be the bishop's only spokesperson on theological issues, nor substitute for the personal contact of the bishop with theologians.

In large urban centers or wherever there is a sufficient number of theologians, the bishop might well consider establishing a board of theological advisers. Among other functions, the board could serve in cases of dispute as the mediating, screening or fact-finding body, prior to the initiation of any formal procedures.

Most dioceses in the United States do not have enough theologians to implement structured cooperation very extensively on their own. While this factor presents particular difficulties, it also provides the bishops and theologians of a province or region an opportunity to realize the vision of mutual support and cooperation among dioceses set forth by Vatican II *{Lumen gentium. 23; Christus Dominus, 6, 36, 37}*.

The theologians and bishops of a region could come together informally in the ways suggested above. They could also consider ways in which formal and regular cooperation could be established among them. For example, some dioceses have coordinated regional resources to develop more effective tribunals. Efforts have already been made in the United States with a view to sharing the theological and canonical resources of a region. The document, "On Due Process" proposed a

regional pooling of resources for more effective resolution of doctrinal conflicts.’¹⁴ Some stale Catholic conferences have established medical-moral commissions.

Granted that the geographical distances involved make such cooperation more difficult to develop and maintain, still the advantages to be gained far outweigh the difficulties involved. Perhaps a demonstration project in a particular region could develop guidelines to facilitate regional structures for cooperation elsewhere.

Structured cooperation between bishops and theologians should and, to some extent already does, exist on the national level.¹⁵ Prospects for developing it further, however, deserve serious consideration.

3. Principles regarding theological consultants. Most theologians hold full-time positions in colleges, universities or seminaries. As a result, in most instances of structured cooperation their role will be consultative. This means that they will serve in a part-time capacity as consultants or advisers to bishops or to diocesan departments and staffs which assist the bishop in carrying out his service to the church.

If this form of structured collaboration is to function effectively and to realize the purposes for which it is established, certain principles should be followed.

First, theological consultants should be persons in full accord with the faith of the universal church and aware of the ways that faith is known and lived in the particular church which they serve as consultants. The bishop is always free to choose his own advisers, but the competence of theologians who serve in any consultative capacity should be recognized by their peers. They should be selected from as many segments as possible on the spectrum of acceptable theological opinion, so that the church can reap the benefits of the fullest range of theological resources available on particular issues or problems.

Second, there are often advantages to making public the names of consultants and perhaps even the selection process. Unnecessary secrecy can lead to suspicion and mistrust.

Third, whenever possible, consultants should serve for a fixed term. A policy of orderly succession among consultants will foster the benefits of both continuity and freshness of perspective on the issues. It will also realize the ideal of common effort which is at the heart of authentic unity in the church.

Fourth, everyone involved centrally or marginally in the process should remember that the theological consultant, through faithfulness to the truth of the Gospel and the demands of theological science, serves not only the local bishop but the entire local church. Otherwise, the complementary but distinct and irreducible roles of the bishop and the theologian may be confused and the anticipated results of real cooperation may not be fully realized.¹⁶

¹⁴ “On Due Process.” p. 10.

¹⁵ Ibid

¹⁶ See International Theological Commission, p. 17

C. Cooperation as Aiding Doctrinal Dialogue

As their conversation and collaboration become more common, bishops and theologians are likely to gain a greater sense of the distinct but inseparable services they perform in the one church through, for example, authoritative teaching and pastoral leadership (on the part of the bishops) and ethical reflection, theological education and research (on the part of the theologians). This alone should eliminate many misunderstandings between them.¹⁷

Regular and active cooperation will also establish a mutual personal knowledge and trust between bishops and theologians which can lessen the occasions when formal doctrinal dialogue is required to resolve a dispute. As bishops and theologians come to know each other not merely in official roles but as faithful persons, recourse to formal procedures to resolve conflicts between them should become less and less frequent.

If formal doctrinal dialogue is necessary, however, the mutual knowledge and trust established by previous cooperation will help to ensure that it works to the benefit of everyone involved. The dispute is also less likely to become an arena for an adversary relationship between the bishop and the theologian. Mutual knowledge and trust will help to maintain the unity of love throughout the course of the procedures, when tempers may be short, sensitivities acute and feelings high. Each will more likely be concerned to protect the other's good name and reputation and to employ the formal doctrinal dialogue so as to preserve and enhance the service each offers to the church. Both bishops and theologians will be solicitous for the maintenance and exercise of each other's responsibilities and rights.

III. A Possibility for Formal Doctrinal Dialogue

A. Purposes of the Dialogue

Collaboration and structured cooperation help to clarify doctrinal positions. Throughout such contacts there is a presupposition of sound doctrine, a presumption which holds unless it is refuted by contrary evidence. Nevertheless, there may be differences of opinion, disagreements or questions concerning doctrinal matters. The bishop may have already deemed it necessary to speak or act publicly in an effort to provide pastoral guidance to the faithful. If these differences or actions lead to conflict or dispute, formal doctrinal dialogue may be used, always respecting the differing roles of bishops and theologians in the church

¹⁷ "The magisterium and theology have two different tasks to perform. That is why neither can be reduced to the other. Yet (they) serve the one whole. But precisely on account of this configuration they must remain in consultation with one another." John Paul II. *L'Osservatore Romano* (English). (December 15, 1980). p. 17.

(cf. cc. 753,218).

Such dialogue is not a judicial or administrative proceeding (cf. International Theological Commission, Theses 10, 11, 12 with commentary). Its scope is to determine the facts and their theological and pastoral implications, and thereby to resolve any misunderstandings between bishops and theologians. It would precede any judgment which the bishop as authoritative teacher might eventually feel himself obliged to make for the sake of the faith of the church. A dialogue about doctrine would also ordinarily take place before any consideration of a possible administrative response to a doctrinal matter. This distinction between doctrinal discussion and administrative action is basic. A doctrinal dialogue does not entail new obligations for bishops in their authoritative teaching or for theologians in their scholarly reflection, but offers adaptable means for both to exercise their roles as effectively as possible. By entering such a dialogue no theologian acquires the authority of a bishop, nor is a bishop expected to be a theological scholar. Each would participate according to his or her respective role in the church, but each also as desiring greater understanding of the question at issue. If a bishop is to make a final determination of his view of a theologian's teaching, his judgment should be well informed and reasonable. While not expected to justify his decision in the manner of a scientific theologian, he should ordinarily present reasons for his judgment. If theologians are to sustain or modify their positions, they should do so through dialogue with bishops as well as with their theological colleagues. For example, if a bishop has questioned the teaching of a theologian, the theologian might request such a dialogue. On the other hand, if a bishop is concerned about the reported opinions of a theologian, he might be the one to request the initiation of formal doctrinal dialogue. In such cases, initiation of a private formal dialogue would serve the unity of the church far better than public disagreement.

Neither a bishop nor a theologian may be required to use this process, and public pressure should not be brought to bear upon their choice. If they choose to do so, the dialogue would proceed through adopting or adapting any of the procedures that follow. A formal dialogue does not imply equality of roles in the church but a structured pattern for doctrinal discussion.

Briefly stated, the purpose of formal doctrinal dialogue is to determine the nature and gravity of the issue at dispute as well as its pastoral significance, and to achieve an agreement between the parties. The process will normally involve meetings, although much can be accomplished by written statements. As a sign of unity and charity, an atmosphere of prayer should mark the dialogue in all its stages.

B Participants

For the purpose of these guidelines, the dispute in need of resolution is presumed to be between a theologian and a bishop. The theologian or bishop who

requests the use of this formal dialogue is termed the "initiating party." The other partner who agrees to this formal dialogue is termed the "second party." Several bishops or several theologians may be acting as initiating party or second party.

Other persons may assist the principals in the formal dialogue. These may be involved in regard to one or more of the following functions.

H

1. Advice. Advisers may assist the initiating party or the second party by their advice and counsel. Advisers are selected freely by the party whom they will be serving as adviser.

2. Expertise. Experts may be called upon to assist the parties in reaching mutual understanding about their respective positions, to offer an evaluation of the relationship of theological statements with Catholic tradition and to give advice about the pastoral effect of such teaching. Experts, therefore, should be knowledgeable about the matter under discussion, should be representative of the variety of views within Catholic tradition and should participate in the process in a manner acceptable to both parties. Normally such experts will themselves be professional theologians or persons versed in pastoral ministry. While the opinion of experts, even if unanimous, is not binding on either of the parties, it should be given serious weight in proceeding with the dialogue and should not be rejected without good reason.

3. Facilitation. At the request of both parties, a facilitator may assist at any of the various stages of formal dialogue. The facilitator helps the process to move forward by bringing the principals to a better understanding of what each means, by setting specific questions for them and by providing at various stages in the dialogue a "slate of the question" to clarify what points are truly at issue at that particular moment.

4. Delegation. Dialogue is carried out most effectively in a face-to-face exchange, through which each party comes to a more personal appreciation of the other's position. Although this is the preferred method, there may be occasions when either party considers it necessary to delegate another person to assist in the various tasks of formal doctrinal dialogue. A bishop, for example, may choose to participate directly throughout this dialogue or to have his concerns represented by a theologian. In every case, however, the final statement of agreement for each task in the formal dialogue should be signed by the principal parties themselves.

C. Procedures for Formal Doctrinal Dialogue

I. Beginning the Dialogue.

Either a theologian or a bishop may request formal doctrinal dialogue. But the decision to begin such a dialogue must be freely agreed upon by both.

a. Direct contact between the two parties: The initiating party should first have approached the second party in an informal manner to determine whether the apparent dispute may be immediately resolved without formal dialogue. If formal dialogue is needed, the initiating party makes a written request to the second party to enter into formal doctrinal dialogue. The written request outlines the doctrinal points at issue, the manner in which the dispute has arisen, the attempts to resolve the issue which have already been made, the specific request to employ formal doctrinal dialogue to settle the question and initial suggestions concerning ways to resolve the doctrinal dispute.

b. Indirectly, through a contact person: A contact person may be appointed within a diocese to process requests for the use of formal doctrinal dialogue. The contact person is appointed by the bishop and should be qualified to evaluate and process such requests, generally acceptable also to the theological community and easily available for contact.

The first function of the contact person would be to determine whether the request for formal dialogue is legitimate. If the request is judged to be inappropriate, the contact person informs the initiating party, indicating the reasons for rejecting the request. If the initiating party then resubmits the request, the contact person submits it to the second party for a response.

If the request at the outset is judged to be appropriate, it is sent to the second party for a response and the initiating party is informed immediately of the date of this action. Rejection of the request by the contact person or submission of the request to the second party for response should normally take place within one month of the receipt of the request by the contact person.

2. The Response

Acknowledgement of a request for formal dialogue ordinarily should be given in writing within two weeks of the receipt of the request, and a formal response within one month of the receipt of the request.

a. An affirmative response to the request should include an explicit commitment to formal doctrinal dialogue, a statement of the points about which both parties seem at the outset to be in agreement, the points which seem to be in dispute and initial suggestions concerning ways to resolve the doctrinal dispute.

b. A negative response should explicitly refuse to make use of formal doctrinal dialogue and state the reasons for refusal.

c. If, after six weeks from the date on which the formal request was sent to the second party, no response has been received by the initiating party, a second request should be sent to the second party. Failure to respond to this second

request within two weeks shall be interpreted as refusal to make use of formal doctrinal dialogue.

3. Agreement on Procedure

The written request for dialogue and the response may have already clarified the disagreement and the desired goal in dialogue. Nevertheless, the next step should be a preliminary agreement on the statement of the issues, on the procedures to be followed and on the goal to be achieved by their formal dialogue.

In determining procedures, the preliminary agreement should address matters such as the following:

- a. Level of confidentiality to be respected.
 - b. Participation by other persons and how they are to be selected (see above. B. 1-4).
 - c. Record keeping and, if appropriate, transcripts;
 - d. Time limits.
- Responsibility for expenses.

Good order requires that this preliminary agreement be in writing and signed by both parties. It can be modified at any time by their mutual consent.

4. The Dialogue

Disputes between theologians and members of the ecclesiastical magisterium are usually complex and may involve deep feelings. It is not easy to decide a priori on the best or simplest method to resolve the situation. At the beginning it is essential that both parties be committed to the procedure. As the dialogue progresses, the parties may find it helpful to alter by mutual consent the procedures they had agreed upon.

Although disputes may be considerably different, formal doctrinal dialogue proposes primarily to clarify the objective content of what is at issue and to accomplish this through the completion of four tasks:

- a. Gathering data.
- b. Clarifying meaning.
- c. Determining the relationship of the points at issue to Catholic tradition.
- d. Identifying implications in the life of the church.

One of the main instruments for achieving agreement is the formulation of written statements with regard to each of the tasks. These statements, signed by both parties, express points of agreement, clarify reasons for disagreement and

specify further questions to be addressed.

First Task: Gathering the Data

Since doctrinal disputes arise from public utterances or writings, the first task is to agree on what was actually said or written. There may be no disagreement as to the data at all, in which case a statement of agreement should immediately be drawn up and signed by both parties.

If the parties initially disagree about what was said or written, ways should be found to solve this difference of opinion. Examples include:

1. In written matters, copies of the actual materials should be made available to both parties.
2. In spoken matters, tape recordings, written reports and other trustworthy records, if they exist, should be made available to both parties.
3. If no record exists, to settle the question of what was actually said or written it may be necessary to call upon witnesses.

Adequate access to the record by both parties is essential to effective dialogue. In cases in which a dispute has arisen because of complaints or accusations by other persons, the party accused or complained against has the right of access to the materials sent by the other persons – confidentiality in accord with church law, of course, always being respected. In such situations the burden of proof as to matters of fact rests on those bringing the complaint or accusation.

In determining what was said or written, it is important to specify the pertinent context, such as:

1. The literary genre: newspaper article, theological study, popular religious work, etc.
2. The context of spoken communications: lecture, classroom, seminar, radio or television, etc.
3. The audience addressed.
4. The level and extent of publicity.

In especially complicated matters the accomplishment of the task of gathering data may very well benefit from a facilitator who can settle factual questions to the satisfaction of both parties. The parties may also make use of advisers or, if necessary, delegates to expedite the process.

This task should be completed with a written statement of agreement, signed by both parties. It specifies the data gathered and the agreement of the parties on the essential points of what was said or written. In some cases agreement on accurate data may itself resolve the dispute and complete the dialogue.

Second Task: Clarifying the Meaning

While completion of the first task may determine clearly what was said or written, questions may still exist about the meaning of the data. Since words may admit of varying interpretations, the parties need to seek a common understanding of the meaning of what was said or written. The result of this effort should be an agreement either on a single meaning of these data or on their possible, differing interpretations.

In reaching this clarification, consideration should be given to various factors, such as:

1. The significance of the words in text and context.
2. The broader corpus of the author's work, philosophical and theological perspective, and method.
3. The author's intention in presenting the material, whether the position was being advocated, defended, described, etc.
4. The pertinent context of the work at issue as determined in the first task (see above).
5. The degree to which the statement is presented as a personal opinion or as a teaching of the church.

If agreement on meaning is not readily achieved, the parties may find it useful to rely on the advice of others or perhaps to submit the matter to a jointly acceptable facilitator.

This second task should be completed with a written statement of agreement, signed by both parties, expressing as clearly as possible the mutually accepted meaning of what was said or written. The statement may also specify any differing interpretations which remain. In some cases, agreement on the meaning may itself resolve the dispute and complete the dialogue.

Third Task: Determining the Relationship With Catholic Tradition

Every doctrinal dispute will initially involve at least an apparent divergence of opinion about the consonance of a public utterance or writing with Catholic tradition. The completion of the first two tasks may result in the conclusion that the disagreement was unfounded. Nevertheless, the first two tasks may simply serve to clarify the point at issue, that is, the consonance of what was said or written with Catholic tradition.

This stage of the doctrinal inquiry is complex. It is not the same as a final judgment about public teaching that the bishop may make at the end of the entire process. Nor is it a task that can be isolated from the parties themselves; their personal involvement is especially important. It is a learning process in which

dialogue should assist both parties to develop a more precise understanding of the fullness of Catholic tradition. Thus, in approaching this task the parties should seek to discover points of agreement, particularly in regard to the questions which must be studied and the appropriate order for addressing those questions.

This stage of dialogue should begin with a written statement by the initialing party outlining the basis on which consonance with Catholic tradition is questioned. The second party should respond to this initial statement in writing. If no agreement is reached, these two documents form the basis for further dialogue.

The term *Catholic tradition* refers to the whole range of church teaching grounded in the word of God, especially in the Scriptures, and received in the church through the centuries. The magisterium serves the word of God by proposing doctrine in solemn conciliar or papal pronouncements, in ordinary papal and episcopal teaching, and in other activities such as the approval of materials used in the instruction of the faithful and the worship of the church. Catholic tradition is also reflected and furthered in the *sensus fidelium*, the works of approved authors and in Catholic life, worship and belief. Determining the consonance of a theological view with Catholic tradition will demand a careful consideration of the historical context and development of church teaching, an understanding of the hierarchy of truths, an evaluation of the various levels of teaching authority, appreciation of the distinction between the substance of the faith and its expression, and the degree to which the church has committed itself in this matter.

At this stage in the dialogue the parties may be assisted by a facilitator, by personal advisers and especially by consultation with theological experts.

This task should be completed with a written statement of agreement, signed by both parties. It specifies the steps taken to complete the task, the resulting points of agreement and any remaining disagreement. Here, too, the written statement of agreement may suffice to resolve the dispute and complete the dialogue.

Fourth Task: Identifying the Implications for the Life of the Church

The previous tasks have resulted in agreements on the public utterances and writings in question, and possibly differing interpretations and disagreements about them. The fourth task is to determine the pastoral implications of these utterances and writings in the life of the church. While actual or apparent implications precipitate most doctrinal disputes, they are frequently the most difficult to sort out and agree upon. This task requires not merely understanding, but prudence; not just learning, but wisdom. Concern for such implications is a responsibility of both bishops and theologians.

To begin this task, the initialing party should state in writing the nature and extent of the implications. The second party should respond to this statement in writing. If no agreement has been reached, these two documents form the basis for

further dialogue on this matter.

A discussion about implications cannot be simply an exchange of personal impressions. It should clarify the criteria used by the parties to assess pastoral life. Conclusions should be based on adequate information required for prudential judgments. This may necessitate gathering additional evidence. The discussion might be assisted by the opinion of persons noted for prudence and experience in pastoral and theological matters. The parties may rely on advisers or may mutually agree on a facilitator to assist in this task.

This task is concluded with a written statement of agreement, signed by both parties, specifying the steps taken to determine the implications in the life of the church and their mutual and individual conclusions. It may include actions agreed upon for the future. This written statement may suffice to resolve the dispute and conclude the dialogue, or even provide for continued review of the issue.

D. Possible Results of Formal Doctrinal Dialogue

Formal doctrinal dialogue may conclude in a variety of ways. It is important to identify the conclusion of the dialogue process and the outcome of the dispute itself. The degree of publicity to be given to the results of the dialogue should be carefully adapted to the particular situation. In every case, even if complete agreement has not been reached, both parties should discuss these matters so that both are aware of proposed actions.

These are some possible results of the dialogue:

1. The theological and pastoral issues may be resolved to the satisfaction of both parties at any stage in the formal dialogue.
2. At the conclusion of the formal dialogue the theological issue may be unresolved, but both parties may agree that the issue may remain so without the need for further action. Agreement to disagree may be a recognition of legitimate pluralism or of a situation in which pastoral responsibility requires no further action.
3. There may be no agreement concerning the theological and pastoral issues nor acceptance of the disagreement as a form of legitimate pluralism. In light of pastoral considerations, various responses on the doctrinal level are then possible. Such responses vary in purpose, intensity and publicity. They will also depend on the qualification of the theological issue in question. The following are some possibilities:
 - a. Call for continued critical theological study.
 - b. Expand the context of the dialogue to a regional or national level.
 - c. Restate in a positive fashion authoritative church teaching.
 - d. Issue a doctrinal monitum, i.e., a clear warning of danger to the faith in

what is being taught.

- e. Declare publicly the apparent error of a position.
- f. Classify certain positions as one of the following:

- 1) a private position which may be presented by itself, provided it is not represented as official Catholic teaching;
- 2) a private opinion which, when presented, must be accompanied by other more acceptable positions;
- 3) unsuitable for teaching as Catholic doctrine.

- g. Make an accurate presentation of views to the media.

E. Subsequent Administrative Action

The foregoing procedure has been a doctrinal dialogue. The best response to bad teaching is good teaching. A doctrinal response which convincingly expresses the authoritative teaching of the church is, therefore, the most desirable response to a doctrinal dispute. Nonetheless, when doctrinal differences begin to affect the common good and doctrinal dialogue has failed to resolve them, administrative action on the part of bishops or canonical recourse on the part of theologians may be appropriate or even necessary. (On the limits of dialogue, cf. International Theological Commission, Thesis 12 with commentary.)

Administrative procedures do not of themselves resolve doctrinal issues; they are intended primarily to address pastoral situations. The kind and degree of administrative action should be proportionate to the pastoral requirements of the common good and should be no more severe than those requirements demand.

The degree of understanding reached in the doctrinal dialogue should help all parties to appreciate their mutual concern for the good of the church and will influence the decision about any subsequent action or recourse. In addition, the signed agreements of the formal doctrinal dialogue will provide a valuable record for subsequent action on the part of bishops or recourse on the part of theologians. Differences of responsibility and authority, of course, can become especially apparent at this point. But this should not obscure the fact that doctrinal truth is not decided or assured by juridical decisions alone. In all cases, bishops and theologians alike should recognize that administrative action is always in service to the truth of a Gospel that is meant to free us to love God and one another.

A f t e r w o r d

The church's witness and mission in the world are seriously conditioned by its own internal care for truth and justice. Disputes about doctrines and the manner of their resolution seldom re-main purely internal affairs. On the contrary, our

understanding and practice of faith today concern Christians and non-Christians alike. Bishops and theologians should all be conscious that unavoidable publicity is a fact of modern life. They should take care that media involvement not render ineffective the opportunity and structure for cooperation and dialogue. They should be concerned to avoid scandal. The attitude of participants and atmosphere for process should blend civility and charity with restraint and, where necessary, that dimension of confidentiality conducive to trust, understanding and, perhaps, reconciliation.

We believe that, with the guidance of the Spirit, the many different parts of the body of Christ can be knit together in justice and love and thereby become more truly themselves before God. In seeking clear and equitable ways to resolve disagreements about our faith, we recommit ourselves to being a church that is one and open, a genuine community of grace sharing the truth freely given to it. Thus we choose again the life that has been offered to us, that there truly may be “one body and one Spirit, just as you were called to the one hope that belongs to your call, one Lord, one faith, one baptism, one God and Father of all, who is above all and through all and in all” (Eph 4:4-6).

NCCB, “Doctrinal Responsibilities: Approaches to Promoting Cooperation and Resolving Misunderstanding Between Bishops and Theologians,” 19 June 1989, *Origins* 19 (1989) 97, 99-110

Cologne Declaration, 25 January 1989. Private.

A number of events in our Catholic Church compel us to make the following public declaration.

We are deeply distressed by difficulties in three specific areas:

1. The Roman Curia is aggressively pursuing a strategy of unilaterally filling vacant episcopal sees around the world without regard for the recommendations of the local church and without respect for their established rights.

2. All over the world many qualified theologians, men and women, are being denied ecclesiastical permission to teach. This represents a serious and dangerous interference in the free exercise of scholarly research and teaching, and in the pursuit of theological understanding through dialogue, principles which Vatican II repeatedly emphasized. The power to withhold official permission to teach is being abused; it has become an instrument to discipline theologians.

3. There have been theologically questionable attempts to assert the pope's doctrinal and jurisdictional authority in an exaggerated form.

What we observe seems to indicate the following changes in the post-conciliar church: a creeping extension of exaggerated hierarchical control; progressive undermining of the local churches, suppression of theological debate and reduction in the role of the laity in the church; antagonism from above, which heightens conflict in the church through means of disciplinary measures.

Because of our responsibility for the Christian faith; as an exercise of our

ministry as teachers of theology; for the sake of our own consciences; and in solidarity with all Christian women and men who are scandalized by the latest developments in our church or even despair of it, we cannot remain silent but consider this declaration a necessity.

I. In view of Rome's recent episcopal appointments around the world, but especially in Austria, Switzerland and here in Cologne, we declare:

Local churches have traditional, even codified, canonical rights to share in decision making. Until today these rights have been part of the church's history; they are part of its multi-layered life.

The disciplining of local churches by episcopal appointments or by other measures (as in Latin America, Sri Lanka, Spain, the Netherlands, Austria, Switzerland and here in Cologne) are often based on false analyses and suspicions. Such disciplinary actions rob the local churches of their autonomy. One of the critical achievements of Vatican II – the opening of the Catholic Church to collegiality between pope and bishops – is being stifled by recent Roman efforts at centralization.

The autocratic methods manifest in recent episcopal appointments stand in contradiction to the Gospel spirit of brotherhood, to (the positive, post-conciliar experiences of freedom and to the collegiality of the bishops.

This tendency hinders the ecumenical movement in essential ways.

With regard to the "Cologne Affair," we consider it scandalous that the election procedure was altered while the process was already under way. The sense of procedural justice is palpably offended.

Respect for and the dignity of the papal office require that power be exercised in a judicious manner in dealing with established institutions. The selection of candidates for the office of bishop should give proportionate recognition to all levels of the church; the appointment process is not a private decision of the pope.

In today's world, the role of the nuncios becomes more and more questionable. While the means for sending news and for conducting personal consultations have been improved, the nunciature increasingly falls under the odium of being an intelligence agency, which through its one-sided selection of information is often responsible for creating the very deviations it is supposed to be looking for.

The kind of obedience toward the pope that recently and increasingly often has been demanded of bishops and cardinals, and affirmed by them, appears to be blind obedience. Ecclesial obedience in service of the Gospel requires a readiness for constructive opposition (cf. *Code of Canon Law*, c. 212, §3). We call on the bishops to remember the example of Paul, who remained in communion with Peter even though on the question of the mission to the Gentiles he "opposed him to his face" (Gal 2:11).

2. With respect to the problem of appointing theology professors and granting ecclesiastical permission to teach, we declare:

The authority and responsibility of the local bishop to grant or to withhold

ecclesiastical permission to teach must be preserved; this has a theological basis and to some extent is also guaranteed by concordats. The bishops are not executive agents of the pope. The current practice of violating the principle of subsidiarity in the church in instances where the local bishop clearly has authority in questions of faith and morals is indefensible. Roman intervention in granting or denying permission to teach without consulting the local church or even acting against the explicit judgment of the local bishop risks undermining established and approved areas of juridical procedure.

Objections against authorizing someone to teach or final decisions in these matters must rest on legitimate reasons and be substantiated in accordance with recognized academic norms. Arbitrariness in this area puts the continued existence of Catholic theological faculties at state universities at risk.

The teachings of the church are not all equally certain or of equal theological weight; there are degrees of theological certitude and a "hierarchy of truths." We object to the disregard shown this principle in the current practice of granting or denying ecclesiastical permission to teach. Individual matters of detail in ethical and dogmatic propositions cannot be arbitrarily exaggerated and raised to the point that they become the means of testing or questioning the integrity of a person's faith, while at the same time ethical positions directly connected to the practice of the faith (such as the rejection of torture, racial segregation or exploitation) do not seem to hold the same theological importance for the integrity of the faith.

The right of universities or faculties to add to their numbers by selecting professors may not be completely eroded by arbitrary procedures in granting or denying ecclesiastical permission to teach. If under such pressures the selection of university theology professors, female and male, takes place on the basis of criteria having nothing to do with the science of theology itself, then theology will suffer a loss of respect in the universities,

3. As for the attempt to assert the teaching authority of the pope in an unacceptable way, we declare:

Recently in addresses to theologians and bishops, and without considering the differing degrees of certitude and the unequal weight of church statements, the pope has connected the teaching on birth control with fundamental truths of the faith such as the holiness of God and salvation through Jesus Christ. As a result, critics of the papal teaching on birth control find themselves condemned for "attacking fundamental cornerstones of Christian doctrine." Indeed, their very appeal to the dignity of an erroneous conscience is condemned. And they are accused of making "the cross of Christ of no avail," of "destroying the mystery of God" and of denying the dignity of the human person. The pope draws upon the concepts of "fundamental truth" and "divine revelation" in order to defend a highly particular teaching, which can be grounded neither in Holy Scripture nor in the traditions of the church (see his addresses of Oct. 15. and Nov. 12, 1988).

The interconnectedness of truths which the pope maintains does not mean that

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these truths are all of the same rank or the same importance. This is what Vatican II teaches: “In comparing doctrines with one another it should not be forgotten that there is an order of precedence or ‘hierarchy’ of truths within Catholic doctrine, according to the different ways they are connected with the foundation of Christian faith” (Decree on Ecumenism, 11). Similarly, the various degrees of certitude that may be attributed to theological statements and the limits of theological knowledge in medical and anthropological questions must be taken into account.

Even the papal teaching office has acknowledged the importance of theology itself for examining the arguments for theological statements and norms. This value may not be undermined by forbidding people to think and speak. Scientific investigation requires argumentation and communication. Conscience is not an executive assistant to the papal teaching office as it might appear in the aforementioned addresses. It is much more the case that in arriving at its interpretation of the truth, the teaching office is dependent on the conscience of the faithful. To simply gloss over the tension between teaching and conscience leads in the end to a devaluation of conscience.

Many people in the church are convinced that the norms for birth control in the encyclical *Humanae Vitae* (1968) represent a moral position that does not replace the responsibility of the faithful to their own conscience. Bishops, among others the German bishops in their Konigstein Declaration (1968), and moral theologians have considered this interpretation of many Christian women and men correct because they are convinced that the dignity of the conscience consists not only in obedience, but also and precisely in responsibility. A pope who refers so often to the responsibility of Christian women and men in secular activities should not systematically disregard it in this critical area. Moreover, we regret the intense fixation of the papal teaching office on this single problem area.

The church stands in the service of Jesus Christ. It must resist the constant temptation to misuse his Gospel message about God’s justice, mercy and fidelity for the sake of its own power by resorting to questionable ways of governing. The church was understood by the council as the pilgrim people of God and the living community of the faithful (*communio*). The church is not a city under siege that expands its fortifications and rigidly defends itself against enemies within and without.

On the basis of our common witness, we share these various concerns about the church with the pastors of the church. To come to the defense of poor churches, to lead rich churches out of their entanglements and to promote the unity of the church, these are goals that we understand and which we support.

Theologians, who stand in the service of the church, nevertheless also have the obligation to voice public criticism if church authority uses its power falsely so that it ends in contradicting its own goals, endangers the path to church unity and retreats from the openness of Vatican II.

The pope claims to exercise the office of unity. In cases of conflict, therefore,

il is part of his office to bring people together. In this he went to excessive lengths with regard to Marcel Lefebvre and his followers, despite Lefebvre’s fundamental challenge to the teaching magisterium. It is not part of the papal office to sharpen conflicts of a secondary nature without any attempt at dialogue, to resolve such conflicts unilaterally and by official decree, and to turn them into grounds for exclusion. If the pope does what does not belong to his office, he cannot demand obedience in the name of Catholicism. Then he must expect contradiction.

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European Theologians, Cologne declaration, 25 Jan 1989, *Origins* 18(1989): 633-634. “Against Interdictions – For an Open Catholicism.” *The following (above) translation by Commonweal is used with permission.*

Particular Legislation: Regulation Over Catholic Religious Instruction and Education.

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Canada:

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In accordance with the prescriptions of canon 804. the Canadian Conference of Catholic Bishops hereby decrees that, taking into account the competence and activities of the Episcopal Commission for Christian Education and the various catechetical offices, all of which constantly monitor Catholic religious education and advise the Conference and regional assemblies of Bishops accordingly, the general norms presently in force remain operative and new norms may be issued if necessary.

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This decree is effective immediately.

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Ol) no 597; 28-06-88; *SC* 22 (1988), p. 473

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The Gambia, Liberia, and Sierra Leone:

II

Every Catholic school must weekly provide periods of instruction in the Catholic religion for each class. The approved diocesan syllabus is to be followed. The instruction should be accompanied by suitable liturgical celebrations during the school term.

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The diocesan director of catechetics is responsible for overseeing that Catholics in non-Catholic schools receive education in the Catholic religion.

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rrCABIC. 3 (1986), p. 5.

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General Statement:

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I. All Christians have a right to Christian education, which apart from giving

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other benefits of education, ensures that those who have been baptized are gradually introduced to knowledge of the mystery of salvation, and thus daily become more appreciative of the gift of faith which they have received, and be able to make their contribution to the growth of the mystical Body. The pastors of souls have a very grave obligation to do all in their power to ensure that Christian education is enjoyed by all the faithful and especially by the young who are the hope of the Church (cf. *GE*; cc. 229, § 1; 217; 528, § 1).

Schools:

2. Among the foremost means of advancing Catholic education are Catholic schools, since they are the principal means of helping parents to fulfil their role in education (c. 796, § 1). Where possible, Catholic institutions of learning should be established on all levels. There are no substitutes for them. (cf. cc. 799 ff; *GE*5). The great advantage of the Catholic institutions of learning, is that they enable the young people while developing their personality, to grow at the same time in the new life which has been given them in baptism (cf. *ibid.*, no. 8).

Teachers:

3. The teachers have a very highly important vocation of helping the parents in carrying out their duties of educating their children. The teaching career requires special qualities of mind and heart. Teachers need careful training in principles and methods of teaching according to the demands of the times (cf. c. 803, § 3).

4. Teachers who teach in non-Catholic Schools where children of Catholic parents attend, should see that these teachers are organized and powerfully assisted to take charge of the religious and moral education of the Catholic pupils. The pastors should secure suitable periods for religious instructions by self or through others who are well equipped to do it. Association of volunteer religious teachers should be organized and trained through seminars and the like.

5. Teachers must remember that it depends chiefly on them to make the Catholic school system achieve its purpose. They should therefore be qualified in both religious and secular learning. They should be possessed of charity both towards each other and towards their pupils and inspired by an apostolic spirit. Their lives must be such as can inspire the pupils to goodness and creativeness. They must be such as can inspire the pupils to goodness and creativeness. They must be willing and capable of working in close cooperation with the parents of the children.

6. Sufficient material and moral incentives must be provided to the teachers. It may be in the nature of good organization, congenial atmosphere, dialogue, good text books as guides, and any other helps that are possible and useful which will make them appreciate their roles.

Parents:

7. Christian parents have the primary responsibility of giving their children a Christian education. It is a most serious obligation (c. 226, §2). Vatican II says that as it is the parents who have given life to their children, on them lies the gravest obligation of educating their family. There can be no adequate substitute. The family is therefore the principal school of the social virtues which are necessary to every society. Their children should be taught to know and worship God and to love their neighbor from their earliest infancy. These duties and rights are primary and inalienable. The public authority should acknowledge and respect them and make the necessary provision to enable parents to discharge this duty and exercise their legitimate rights (cf. *GE* 3, 6, 9).

8. Between the pastors, the parents, the teachers and instructors there must be an intimate cooperation and collaboration for a maximum result in this field.

9. Account should be taken of norms and guidelines established by the Episcopal Conference on canon 772, §2.

PCN, pp. 27-29.

Interpretation of Dogmas:

ITC statement. May 17. 1990, *Origins* 20 (1990): 1.3-14,

CANON 807

Apostolic Constitution *Ex Corde Ecclesiae*, 15 August 1990. .4.45 82 (1990): 1475-1590.

Introduction

I. Born from the heart of the church, a Catholic university is located in that course of tradition which may be traced back to the very origin of the university as an institution. It has always been recognized as an incomparable center of creativity and dissemination of knowledge for the good of humanity. By vocation, the *universitas magistrorum et scholarium* is dedicated to research, to teaching and to the education of students who freely associate with their teachers in a common love of knowledge.¶ With every other university it shares that *gaudium de veritate*, so precious to St. Augustine, which is that joy of searching for, discovering and

[¶]Cf. The letter of Pope Alexander IV to the University of Pans. April 14, 1255. Introduction. *Bullanurn Diplomatum....* Vol. 3, (Turin: 1858). p. 602.

communicating truth² in every field of knowledge. A Catholic university's privileged task is "to unite existentially by intellectual effort two orders of reality that too frequently tend to be placed in opposition as though they were antithetical: the search for truth and the certainty of already knowing the fount of truth."¹

2. For many years I myself was deeply enriched by the beneficial experience of university life: the ardent search for truth and its unselfish transmission to youth and to all those learning to think rigorously, so as to act rightly and to serve humanity better.

Therefore, I desire to share with everyone my profound respect for Catholic universities and to express my great appreciation for the work that is being done in them in the various spheres of knowledge. In a particular way, I wish to manifest my joy at the numerous meetings which the Lord has permitted me to have in the course of my apostolic journeys with the Catholic university communities of various continents. They are for me a lively and promising sign of the fecundity of the Christian mind in the heart of every culture. They give me a well-founded hope for a new flowering of Christian culture in the rich and varied context of our changing times, which certainly face serious challenges but which also bear so much promise under the action of the Spirit of truth and of love.

It is also my desire to express my pleasure and gratitude to the very many Catholic scholars engaged in teaching and research in non-Catholic universities. Their task as academics and scientists, lived out in the light of the Christian faith, is to be considered precious for the good of the universities in which they teach. Their presence, in fact, is a continuous stimulus to the selfless search for truth and for the wisdom that comes from above.

3. Since the beginning of this pontificate, I have shared these ideas and sentiments with my closest collaborators, the cardinals, with the Congregation for Catholic Education and with men and women of culture throughout the world. In fact, the dialogue of the church with the cultures of our times is that vital area where "the future of the church and of the world is being played out as we conclude the 20th century."⁴ There is only one culture: that of man, by man and for man/ And thanks to her Catholic universities and their humanistic and scientific inheritance, the church, expert in humanity, as my predecessor Paul VI expressed

¹ St. Augustine. *Confessions*. X. xxiii, 33. "In fact, the blessed life consists in *the joy that comes from the truth*, since this joy comes from you who are truth. God my light, salvation of my face, my God." *Patrologia Latina* 32. pp. 793-794. Cf. St. Thomas Aquinas, *De Mulo*, IX. 1: "It is actually natural to man to strive for knowledge of the truth."

John Paul II. Discourse to the Catholic Institute of Paris. June 1. 1980: *Insegnamenti di Giovanni Paolo II*. Vol. 3/1 (1980). p. 1581

² John Paul II. Discourse to the Cardinals. Nov. 10. 1979: *Insegnamenti di Giovanni Paolo II*, Vol. 2/2 (1979). p. 1096. cf. Discourse to UNESCO. Paris, June 2. 1980: AAS 72 (1980), pp. 735-752

Cf. John Paul II. Discourse to the University of Coimbra. May 15, 1982: *Insegnamenti di Giovanni Paolo II*. Vol. 5/2(1982). p. 1692.

it at the United Nations,⁶ explores the mysteries of humanity and of the world, clarifying them in the light of revelation.

4. It is the honor and responsibility of a Catholic university to consecrate itself without reserve to the cause of truth. This is its way of serving at one and the same time both the dignity of man and the good of the church, which has “an intimate conviction that truth is (its) real ally . . . and that knowledge and reason are sure ministers to faith.”⁷ Without in any way neglecting the acquisition of useful knowledge, a Catholic university is distinguished by its free search for the whole truth about nature, man and God. The present age is in urgent need of this kind of disinterested service, namely of proclaiming the meaning of truth, that fundamental value without which freedom, justice and human dignity are extinguished. By means of a kind of universal humanism, a Catholic university is completely dedicated to the research of all aspects of truth in their essential connection with the supreme Truth, who is God. It does this without fear, but rather with enthusiasm, dedicating itself to every path of knowledge, aware of being preceded by him who is “the Way, the Truth and the Life,”* the Logos, whose Spirit of intelligence and love enables the human person with his or her own intelligence to find the ultimate reality of which he is the source and end and who alone is capable of giving fully that wisdom without which the future of the world would be in danger.

5. It is in the context of the impartial search for truth that the relationship between faith and reason is brought to light and meaning. The invitation of St. Augustine, “*Intellege nt credas; crede ut intellegas*”TM is relevant to Catholic universities that are called to explore courageously the riches of revelation and of nature so that the united endeavor of intelligence and faith will enable people to come to the full measure of their humanity, created in the image and likeness of God, renewed even more marvelously after sin in Christ and called to shine forth in the light of the Spirit.

6. Through the encounter which it establishes between the unfathomable richness of the salvific message of the Gospel and the variety and immensity of the Helds of knowledge in which that richness is incarnated by it, a Catholic university enables the church to institute an incomparably fertile dialogue with people of every culture. Man’s life is given dignity by culture, and while he finds his fullness in Christ, there can be no doubt that the Gospel, which reaches and renews him in every dimension, is also fruitful for the culture in which he lives.

* Paul VI. Allocution to Representatives of States. Oct. 4. 1965: *Insegunenti di Puolo* VI. Vol 3 (1965), p. 508.

⁷ Cardinal John Henry Newman. *The Idea of a University*. (London: Longmans. Green and Company. (1931). p. XI

⁶ Jn 14:6

⁶ Cf St. Augustine. *Senn* 43. 9: PL 38. 258. Cf also St. Anselm. *Proslogion*. Ch 1 PL 158. p 227.

7. In the world today, characterized by such rapid developments in science and technology, the tasks of a Catholic university assume an ever greater importance and urgency. Scientific and technological discoveries create an enormous economic and industrial growth, but they also inescapably require the correspondingly necessary search for meaning in order to guarantee that the new discoveries be used for the authentic good of individuals and of human society as a whole. If it is the responsibility of every university to search for such meaning, a Catholic university is called in a particular way to respond to this need: Its Christian inspiration enables it to include the moral, spiritual and religious dimension in its research and to evaluate the attainments of science and technology in the perspective of the totality of the human person.

In this context Catholic universities are called to a continuous renewal both as *universities* and as *Catholic*. For "what is at stake is the very meaning of scientific and technological research, of social life and of culture but, on an even more profound level, what is at stake is the very meaning of the human person."¹⁰ Such renewal requires a clear awareness that by its Catholic character a university is made more capable of conducting an impartial search for truth, a search that is neither subordinated to nor conditioned by particular interests of any kind.

8. Having already dedicated the apostolic constitution *Sapientia Christiana* to ecclesiastical faculties and universities,¹¹ I then felt obliged to propose an analogous document for Catholic universities as a sort of *magna carta*, enriched by the long and fruitful experience of the church in the realm of universities and open to the promise of future achievements that will require courageous creativity and rigorous fidelity.

9. The present document is addressed especially to those who conduct Catholic universities, to the respective academic communities, to all those who have an interest in them, particularly the bishops, religious congregations and ecclesial institutions, and to the numerous laity who are committed to the great mission of higher education. Its purpose is that "the Christian mind may achieve, as it were, a public, persistent and universal presence in the whole enterprise of advancing higher culture and that the students of these institutions become people outstanding in learning, ready to shoulder society's heavier burdens and to witness the faith to the world."¹²

10. In addition to Catholic universities, I also turn to the many Catholic institutions of higher education. According to their nature and proper objectives,

¹⁰ Cf. John Paul II. Allocution to the International Congress on Catholic Universities, April 25, 1989, No. 3: AAS 18(1989), p. 1218.

¹¹ Ibid. *Sapientia Christiana*, apostolic constitution concerning the ecclesiastical universities and faculties. April 15, 1979: AAS 71 (1979), pp. 469-521.

¹² Vatican Council II. Declaration on Catholic Education *Gravissimum Educationis*. 10: AAS 58 (1966), p. 737.

they share some or all of the characteristics of a university, and they offer their own contribution to the church and to society, whether through research, education or professional training. While this document specifically concerns Catholic universities, it is also meant to include all Catholic institutions of higher education engaged in instilling the Gospel message of Christ in souls and cultures.

Therefore, it is with great trust and hope that I invite all Catholic universities to pursue their irreplaceable task. Their mission appears increasingly necessary for the encounter of the church with the development of the sciences and with the cultures of our age.

Together with all my brother bishops who share pastoral responsibility with me. I would like to manifest my deep conviction that a Catholic university is without any doubt one of the best instruments that the church offers to our age, which is searching for certainty and wisdom. Having the mission of bringing the good news to everyone, the church should never fail to interest herself in this institution. By research and teaching. Catholic universities assist the church in the manner most appropriate to modern times to find cultural treasures both old and new. “*in nova et vetera,*” according to the words of Jesus.”

11. Finally, I turn to the whole church, convinced that Catholic universities are essential to her growth and to the development of Christian culture and human progress. For this reason, the entire ecclesial community is invited to give its support to Catholic institutions of higher education and to assist them in their process of development and renewal. It is invited in a special way to guard the rights and freedom of these institutions in civil society and to offer them economic aid, especially in those countries where they have more urgent need of it, and to furnish assistance in founding new Catholic universities wherever this might be necessary.

My hope is that these prescriptions, based on the teaching of Vatican Council II and the directives of the *Code of Canon Law*, will enable Catholic universities and other institutes of higher studies to fulfill their indispensable mission in the new advent of grace that is opening up to the new millennium.

I. Identity and Mission

A. The Identity of a Catholic University

1. Nature and Objectives

12. Every Catholic university, as a university, is an academic community which, in a rigorous and critical fashion, assists in the protection and advancement of human dignity and of a cultural heritage through research, teaching and various

¹⁰Mt 13:52.

services offered to the local, national and international communities.¹⁴ It possesses that institutional autonomy necessary to perform its functions effectively and guarantees its members academic freedom, so long as the rights of the individual person and of the community are preserved within the confines of the truth and the common good.¹⁵

13. Since the objective of a Catholic university is to assure in an institutional manner a Christian presence in the university world confronting the great problems of society and culture,¹⁶ every Catholic university, as Catholic, must have the following essential characteristics:

1. A Christian inspiration not only of individuals but of the university community as such.
2. A continuing reflection in the light of the Catholic faith upon the growing treasury of human knowledge, to which it seeks to contribute by its own research.
3. Fidelity to the Christian message as it comes to us through the church.
4. An institutional commitment to the service of the people of God and of the human family in their pilgrimage to the transcendent goal which gives meaning to life.¹⁷

14. "In the light of these four characteristics, it is evident that besides the

¹⁴ Cf. *The Magna Carta of the European Universities*. Bologna. Italy. Sept. 18, 1988, "Fundamental Principles."

¹⁵ Cf. Vatican Council II. Pastoral Constitution on the Church in the Modern World *Gaudium et spes*. 59: AAS 58 (1966), p. 1080; *Gravissimum Educationis*, 10: AAS 58 (1966), p. 737. *Institutional autonomy* means that the governance of an academic institution is and remains internal to the institution*, *academic freedom* is the guarantee given to those involved in teaching and research that, within their specific specialized branch of knowledge and according to the methods proper to that specific area, they may search for the truth wherever analysis and evidence lead them and may teach and publish the results of this search, keeping in mind the cited criteria, that is, safeguarding the rights of the individual and of society within the confines of the truth and the common good.

¹⁶ There is a twofold notion of *culture* used in this document: the *humanistic* and the *socio-historical*. "The word *culture* in its general sense indicates all those factors by which man refines and unfolds his manifest spiritual and bodily qualities. It means his effort to bring the world itself under his control by his knowledge and his labor. It includes the fact that by improving customs and institutions he renders social life more human both within the family and in the civic community. Finally, it is a feature of culture that throughout the course of time man expresses, communicates and conserves in his works great spiritual experiences and desires, so that these may be of advantage to the progress of many, even of the whole human family. Hence it follows that human culture necessarily has a historical and social aspect and that the word *culture* often takes on a sociological and ethnological sense" *Gaudium et spes*, 53.

The Catholic University in the Modern World," final document of the Second International Congress of Delegates of Catholic Universities, Rome, Nov. 20-29, (1972), Sec. 1.

teaching, research and services common to all universities, a Catholic university, by institutional commitment, brings to its task the inspiration and light of the Christian message. In a Catholic university, therefore, Catholic ideals, attitudes and principles penetrate and inform university activities in accordance with the proper nature and autonomy of these activities. In a word, being both a university and Catholic, it must be both a community of scholars representing various branches of human knowledge and an academic institution in which Catholicism is vitally present and operative.”^{1*}

15. A Catholic university, therefore, is a place of research, where scholars scrutinize reality with the methods proper to each academic discipline and so contribute to the treasury of human knowledge. Each individual discipline is studied in a systematic manner; moreover, the various disciplines are brought into dialogue for their mutual enhancement.

In addition to assisting men and women in their continuing quest for the truth, this research provides an effective witness, especially necessary today, to the church’s belief in the intrinsic value of knowledge and research.

In a Catholic university, research necessarily includes (a) the search for an integration of knowledge, (b) a dialogue between faith and reason, (c) an ethical concern and (d) a theological perspective.

16. Integration of knowledge is a process, one which will always remain incomplete; moreover, the explosion of knowledge in recent decades, together with the rigid compartmentalization of knowledge within individual academic disciplines, makes the task increasingly difficult. But a university, and especially a Catholic university, “has to be a ‘living union’ of individual organisms dedicated to the search for truth. . . . It is necessary to work toward a higher synthesis of knowledge, in which alone lies the possibility of satisfying that thirst for truth which is profoundly inscribed on the heart of the human person.”¹ Aided by the specific contributions of philosophy and theology, university scholars will be engaged in a constant effort to determine the relative place and meaning of each of the various disciplines within the context of a vision of the human person and the world that is enlightened by the Gospel therefore by a faith in Christ, the Logos, as the center of creation and of human history.

17. In promoting the integration of knowledge, a specific part of a Catholic university’s task is to promote dialogue between faith and reason, so that it can be seen more profoundly how faith and reason bear harmonious witness to the unity of all truth. While each academic discipline retains its own integrity and has its

^{*} Ibid

John Paul II, Allocution to the International Congress on Catholic Universities. Cf also *Gaudium et spes*, 6 I. Cardinal Newman observes that a university “professes to assign to each study which it receives its proper place and its just boundaries; to define the rights, to establish the mutual relations and to effect the inter-communion of one and all” (*The Idea of a University*, p. 457)

own methods, this dialogue demonstrates that “methodical research within every branch of learning, when carried out in a truly scientific manner and in accord with moral norms, can never truly conflict with faith. For the things of the earth and the concerns of faith derive from the same God.”²¹ A vital interaction of two distinct levels of coming to know the one truth leads to a greater love for truth itself and contributes to a more comprehensive understanding of the meaning of human life and of the purpose of God’s creation.

18. Because knowledge is meant to serve the human person, research in a Catholic university is always carried out with a concern for the ethical and moral implications both of its methods and of its discoveries. This concern, while it must be present in all research, is particularly important in the areas of science and technology. “It is essential that we be convinced of the priority of the ethical over the technical, of the primacy of the person over things, of the superiority of the spirit over matter. The cause of the human person will only be served if knowledge is joined to conscience. Men and women of science will truly aid humanity only if they preserve ‘the sense of the transcendence of the human person over the world and of God over the human person’.”²¹

19. Theology plays a particularly important role in the search for a synthesis of knowledge as well as in the dialogue between faith and reason. It serves all other disciplines in their search for meaning, not only by helping them to investigate how their discoveries will affect individuals and society but also by bringing a perspective and an orientation not contained within their own methodologies. In turn, interaction with these other disciplines and their discoveries enriches theology, offering it a better understanding of the world today and making theological research more relevant to current needs. Because of its specific importance among the academic disciplines, every Catholic university should have a faculty, or at least a chair, of theology.²²

20. Given the close connection between research and teaching, the research qualities indicated above will have their influence on all teaching. While each discipline is taught systematically and according to its own methods, interdisciplinary studies, assisted by a careful and thorough study of philosophy and theology, enable students to acquire an organic vision of reality and to develop a continuing desire for intellectual progress. In the communication of knowledge, emphasis is then placed on how human reason in its reflection opens to

Gaudium et spes. 36. To a group of scientists I pointed out that “while reason and faith surely represent two distinct orders of knowledge, each autonomous with regard to its own methods, the two must finally converge in the discovery of a single whole reality which has its origin in God” (John Paul II. Address at the Meeting on Galileo, May 9, 1983, No. 3: *AA.SS.* 75 [1983], p. 690).

²¹ John Paul II. Address at UNESCO, 22. The last part of the quotation uses words directed to the Pontifical Academy of Sciences, Nov 10, 1979: *Insegnamenti di Giovanni Paolo II*. Vol. 2/2 (1979). p 1109.

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²² Cf. *Gravissimum Educationis*, 10.

increasingly broader questions and how the complete answer to them can only come from above through faith. Furthermore, the moral implications that are present in each discipline are examined as an integral part of the teaching of that discipline so that the entire educative process be directed toward the whole development of the person. Finally, Catholic theology, taught in a manner faithful to Scripture, tradition and the church's magisterium, provides an awareness of the Gospel principles which will enrich the meaning of human life and give it a new dignity.

Through research and teaching the students are educated in the various disciplines so as to become truly competent in the specific sectors in which they will devote themselves to the service of society and of the church, but at the same time prepared to give the witness of their faith to the world.

2. *The University Community*

21. A Catholic university pursues its objectives through its formation of an authentic human community animated by the spirit of Christ. The source of its unity springs from a common dedication to the truth, a common vision of the dignity of the human person and ultimately the person and message of Christ, which gives the institution its distinctive character. As a result of this inspiration, the community is animated by a spirit of freedom and charity; it is characterized by mutual respect, sincere dialogue and protection of the rights of individuals. It assists each of its members to achieve wholeness as human persons; in turn, everyone in the community helps in promoting unity, and each one, according to his or her role and capacity, contributes toward decisions which affect the community and also toward maintaining and strengthening the distinctive Catholic character of the institution.

22. University teachers should seek to improve their competence and endeavor to set the content, objectives, methods and results of research in an individual discipline within the framework of a coherent world vision. Christians among the teachers are called to be witnesses and educators of authentic Christian life, which evidences an attained integration between faith and life, and between professional competence and Christian wisdom. All teachers are to be inspired by academic ideals and by the principles of an authentically human life.

23. Students are challenged to pursue an education that combines excellence in humanistic and cultural development with specialized professional training. Most especially, they are challenged to continue the search for truth and for meaning throughout their lives, since "the human spirit must be cultivated in such a way that there results a growth in its ability to wonder, to understand, to contemplate, to

make personal judgments and to develop a religious, moral and social sense.”² This, enables them to acquire or, if they have already done so, to deepen a Christian way of life that is authentic. They should realize the responsibility of their professional life, the enthusiasm of being the trained “leaders” of tomorrow, of being witnesses to Christ in whatever place they may exercise their profession.

24. Directors and administrators in a Catholic university promote the constant growth of the university and its community through a leadership of service; the dedication and witness of the non-academic staff are vital for the identity and life of the university.

25. Many Catholic universities were founded by religious congregations and continue to depend on their support; those religious congregations dedicated to the apostolate of higher education are urged to assist these institutions in the renewal of their commitment and to continue to prepare religious men and women who can positively contribute to the mission of a Catholic university.

Lay people have found in university activities a means by which they too could exercise an important apostolic role in the church, and in most Catholic universities today the academic community is largely composed of laity; in increasing numbers, lay men and women are assuming important functions and responsibilities for the direction of these institutions. These lay Catholics are responding to the church's call “to be present, as signs of courage and intellectual creativity, in the privileged places of culture, that is, the world of education – school and university.”²⁴ The future of Catholic universities depends to a great extent on the competent and dedicated service of lay Catholics. The church sees their developing presence in these institutions both as a sign of hope and as a confirmation of the irreplaceable lay vocation in the church and in the world, confident that lay people will, in the exercise of their own distinctive role, “illuminate and organize these (temporal) affairs in such a way that they always start out, develop and continue according to Christ’s mind, to the praise of the Creator and the Redeemer.”²⁵

26. The university community of many Catholic institutions includes members of other churches, ecclesial communities and religions, and also those who profess no religious belief. These men and women offer their training and experience in furthering the various academic disciplines or other university tasks.

² *Gaudium et spes*, 59. Cardinal Newman describes the ideal to be sought in this way: “A habit of mind is formed which lasts through life, of which the attributes are freedom, equitableness, calmness, moderation and wisdom” (*The Idea of a University*, pp 101-102).

²⁴ John Paul II. ap. exhort.. *Christifideles Laici*. Dec. 30. 1988, No. 44: AAS 81 (1989). p. 479.

²⁵ Vatican Council II. Dogmatic Constitution on the Church *Lumen gentium*, 31: AAS 57 (1965), pp 37-38. Cf. Decree on the Apostolate of the Laity *Apostolicam Actuositatem*, *passim* AAS 58 (1966), pp 837 ff. Cf. also *Gaudium et spes*. 43.

3. *The Catholic University in the Church*

27. Every Catholic university, without ceasing to be a university, has a relationship to the church that is essential to its institutional identity. As such, it participates most directly in the life of the local church in which it is situated; at the same time, because it is an academic institution and therefore a part of the international community of scholarship and inquiry, each institution participates in and contributes to the life and the mission of the universal church, assuming consequently a special bond with the Holy See by reason of the service to unity which it is called to render to the whole church. One consequence of its essential relationship to the church is that the institutional fidelity of the university to the Christian message includes a recognition of and adherence to the teaching authority of the church in matters of faith and morals. Catholic members of the university community are also called to a personal fidelity to the church with all that this implies. Non-Catholic members are required to respect the Catholic character of the university, while the university in turn respects their religious liberty.²⁶

28. Bishops have a particular responsibility to promote Catholic universities and especially to promote and assist in the preservation and strengthening of their Catholic identity, including the protection of their Catholic identity in relation to civil authorities. This will be achieved more effectively if close personal and pastoral relationships exist between university and church authorities characterized by mutual trust, close and consistent cooperation and continuing dialogue. Even when they do not enter directly into the internal governance of the university, bishops “should be seen not as external agents but as participants in the life of the Catholic university.”²⁷

29. The church, accepting “the legitimate autonomy of human culture and especially of the sciences,” recognizes the academic freedom of scholars in each discipline in accordance with its own principles and proper methods,²⁸ and within the confines of the truth and the common good.

Theology has its legitimate place in the university alongside other disciplines. It has proper principles and methods which define it as a branch of knowledge. Theologians enjoy this same freedom so long as they are faithful to these principles and methods.

Bishops should encourage the creative work of theologians. They serve the church through research done in a way that respects theological method. They seek to understand better, further develop and more effectively communicate the meaning of Christian revelation as transmitted in Scripture and tradition and in the

Cf. *ibid.* Declaration on Religious Liberty *Dignitatis Humanae*. 2: AAS 58 (1966). pp. 930-931

John Paul II, Address to Leaders of Catholic Higher Education. Xavier University of Louisiana. September 12. 1987. No. 4: AAS 80 (1988). p. 764.

* *Gaudium et Spes*, 59.

church's magisterium. They also investigate the ways in which theology can shed light on specific questions raised by contemporary culture. At the same time, since theology seeks an understanding of revealed truth whose authentic interpretation is entrusted to the bishops of the church,²⁹ it is intrinsic to the principles and methods of their research and teaching in their academic discipline that theologians respect the authority of the bishops and assent to Catholic doctrine according to the degree of authority with which it is taught." Because of their interrelated roles, dialogue between bishops and theologians is essential; this is especially true today, when the results of research are so quickly and so widely communicated through the media.³¹

B. The Mission of Service of a Catholic University

30. The basic mission of a university is a continuous quest for truth through its research, and the preservation and communication of knowledge for the good of society. A Catholic university participates in this mission with its own specific characteristics and purposes.

1. Service to Church and Society

31. Through teaching and research, a Catholic university offers an indispensable contribution to the church. In fact, it prepares men and women who, inspired by Christian principles and helped to live their Christian vocation in a mature and responsible manner, will be able to assume positions of responsibility in the church. Moreover, by offering the results of its scientific research, a Catholic university will be able to help the church respond to the problems and needs of this age.

32. A Catholic university, as any university, is immersed in human society; as an extension of its service to the church and always within its proper competence, it is called on to become an ever more effective instrument of cultural progress for individuals as well as for society. Included among its research activities, therefore, will be a study of serious contemporary problems in areas such as the dignity of human life, the promotion of justice for all, the quality of personal and family life, the protection of nature, the search for peace and political stability, a more just sharing in the world's resources, and a new economic and political order that will better serve the human community at a national and international level. University

Cf. Vatican Council II. Dogmatic Constitution on Divine Revelation *Dei Verbum*. Nos. 8-10: AA5 58(1966). pp. 820-822.

³⁰ Cf. *Lumen gentium*, 25.

³¹ Cf. Congregation for the Doctrine of the Faith. Instruction on the Ecclesial Vocation of the Theologian. May 24, 1990

research will seek to discover the roots and causes of the serious problems of our time, paying special attention to their ethical and religious dimensions.

If need be, a Catholic university must have the courage to speak uncomfortable truths which do not please public opinion, but which are necessary to safeguard the authentic good of society.

33. A specific priority is the need to examine and evaluate the predominant values and norms of modern society and culture in a Christian perspective and the responsibility to try to communicate to society those ethical and religious principles which give full meaning to human life. In this way a university can contribute further to the development of a true Christian anthropology founded on the person of Christ, which will bring the dynamism of the creation and redemption to bear on reality and on the correct solution to the problems of life.

34. The Christian spirit of service to others for the promotion of social justice is of particular importance for each Catholic university, to be shared by its teachers and developed in its students. The church is firmly committed to the integral growth of all men and women.³² The Gospel, interpreted in the social teachings of the church, is an urgent call to promote “the development of those peoples who are striving to escape from hunger, misery, endemic diseases and ignorance; of those who are looking for a wider share in the benefits of civilization and a more active improvement of their human qualities; of those who are aiming purposefully at their complete fulfillment.”³³ Every Catholic university feels responsible to contribute concretely to the progress of the society within which it works: For example, it will be capable of searching for ways to make university education accessible to all those who are able to benefit from it, especially the poor or members of minority groups who customarily have been deprived of it. A Catholic university also has the responsibility, to the degree that it is able, to help to promote the development of the emerging nations.

35. In its attempts to resolve these complex issues that touch on so many different dimensions of human life and of society, a Catholic university will insist on cooperation among the different academic disciplines, each offering its distinct contribution in the search for solutions; moreover, since the economic and personal resources of a single institution are limited, cooperation in common research projects among Catholic universities, as well as with other private and governmental institutions, is imperative. In this regard and also in what pertains to the other fields of the specific activity of a Catholic university, the role played by various national and international associations of Catholic universities is to be emphasized. Among these associations the mission of the International Federation

Cf John Paul II, encyclical *Sollicitudo Rei Socialis*, 27-34 AAS 80 (1988), pp. 547-560

Paul VI, encyclical *Populorum Progressio*, I: AAS 59 (1967), p. 257

of Catholic Universities, founded by the Holy See⁴ is particularly to be remembered. The Holy Sec anticipates further fruitful collaboration with this federation.

36. Through programs of continuing education offered to the wider community, by making its scholars available for consulting services, by taking advantage of modern means of communication and in a variety of other ways, a Catholic university can assist in making the growing body of human knowledge and a developing understanding of the faith available to a wider public, thus expanding university services beyond its own academic community.

37. In its service to society, a Catholic university will relate especially to the academic, cultural and scientific world of the region in which it is located. Original forms of dialogue and collaboration are to be encouraged between the Catholic universities and the other universities of a nation on behalf of development, of understanding between cultures and of the defense of nature in accordance with an awareness of the international ecological situation.

Catholic universities join other private and public institutions in serving the public interest through higher education and research; they are one among the variety of different types of institution that are necessary for the free expression of cultural diversity, and they are committed to the promotion of solidarity and its meaning in society and in the world. Therefore they have the full right to expect that civil society and public authorities will recognize and defend their institutional autonomy and academic freedom; moreover, they have the right to the financial support that is necessary for their continued existence and development.

2. *Pastoral Ministry*

38. Pastoral ministry is that activity of the university which offers the members of the university community an opportunity to integrate religious and moral principles with their academic study and non-academic activities, thus integrating faith with life. It is part of the mission of the church within the university and is also a constitutive element of a Catholic university itself, both in its structure and in its life. A university community concerned with promoting the institution's Catholic character will be conscious of this pastoral dimension and sensitive to the ways in which it can have an influence on all university activities.

39. As a natural expression of the Catholic identity of the university, the university community should give a practical demonstration of its faith in its daily

^w "Therefore, in that there has been a pleasing multiplication of centers of higher learning, it has become apparent that it would be opportune for the faculty and the alumni to unite in common association which, working in reciprocal understanding and close collaboration, and based upon the authority of the supreme pontiff as father and universal doctor, they might more efficaciously spread and extend the light of Christ" (Pius XII. apostolic letter *Catholicas Studiorum Universitates*, with which the International Federation of Catholic Universities was established: AAS 42 [1950], P 386)

activity, with important moments of reflection and of prayer. Catholic members of this community will be offered opportunities to assimilate Catholic teaching and practice into their lives and will be encouraged to participate in the celebration of the sacraments, especially the Eucharist as the most perfect act of community worship. When the academic community includes members of other churches, ecclesial communities or religions, their initiatives for reflection and prayer in accordance with their own beliefs are to be respected.

40. Those involved in pastoral ministry will encourage teachers and students to become more aware of their responsibility toward those who are suffering physically or spiritually. Following the example of Christ, they will be particularly attentive to the poorest and to those who suffer economic, social, cultural or religious injustice. This responsibility begins within the academic community, but it also finds application beyond it.

41. Pastoral ministry is an indispensable means by which Catholic students can, in fulfillment of their baptism, be prepared for active participation in the life of the church; it can assist in developing and nurturing the value of marriage and family life, fostering vocations to the priesthood and religious life, stimulating the Christian commitment of the laity and imbuing every activity with the spirit of the Gospel. Close cooperation between pastoral ministry in a Catholic university and the other activities within the local church, under the guidance or with the approval of the diocesan bishop, will contribute to their mutual growth. "

42. Various associations or movements of spiritual and apostolic life, especially those developed specifically for students, can be of great assistance in developing the pastoral aspects of university life.

3. *Cultural Dialogue*

43. By its very nature, a university develops culture through its research, helps to transmit the local culture to each succeeding generation through its teaching and assists cultural activities through its educational services. It is open to all human experience and is ready to dialogue with and learn from any culture. A Catholic university shares in this, offering the rich experience of the church's own culture. In addition, a Catholic university, aware that human culture is open to revelation and transcendence, is also a primary and privileged place for a fruitful dialogue between the Gospel and culture.

44. Through this dialogue a Catholic university assists the church, enabling it to come to a better knowledge of diverse cultures, discern their positive and

The *Code of Canon Law* indicates the general responsibility of the bishop toward university students "The diocesan bishop is to have serious pastoral concern for students by erecting a parish for them or by assigning priests for this purpose on a stable basis; he is also to provide for Catholic university centers at universities, even non-Catholic ones, to give assistance, especially spiritual to young people" (c 813)

negative aspects, to receive their authentically human contributions and to develop means by which it can make the faith better understood by the men and women of a particular culture.³⁶ While it is true that the Gospel cannot be identified with any particular culture and transcends all cultures, it is also true that “the kingdom which the Gospel proclaims is lived by men and women who are profoundly linked to a culture, and the building up of the kingdom cannot avoid borrowing the elements of human culture or cultures.”³⁷ “A faith that places itself on the margin of what is human, of what is therefore culture, would be a faith unfaithful to the fullness of what the word of God manifests and reveals, a decapitated faith, worse still, a faith in the process of self-annihilation.”³⁸

45. A Catholic university must become more attentive to the cultures of the world of today and to the various cultural traditions existing within the church in a way that will promote a continuous and profitable dialogue between the Gospel and modern society. Among the criteria that characterize the values of a culture are, above all, the meaning of the human person, his or her liberty, dignity, sense of responsibility and openness to the transcendent. To a respect for persons is joined the preeminent value of the family, the primary unit of every human culture.

Catholic universities will seek to discern and evaluate both the aspirations and the contradictions of modern culture in order to make it more suited to the total development of individuals and peoples. In particular, it is recommended that by means of appropriate studies, the impact of modern technology and especially of the mass media on persons, the family, and the institutions and whole of modern culture be studied deeply. Traditional cultures are to be defended in their identity, helping them to receive modern values without sacrificing their own heritage, which is a wealth for the whole of the human family. Universities, situated within the ambience of these cultures, will seek to harmonize local cultures with the positive contributions of modern cultures.

46. An area that particularly interests a Catholic university is the dialogue between Christian thought and the modern sciences. This task requires persons particularly well versed in the individual disciplines and who are at the same time adequately prepared theologically and who are capable of confronting epistemological questions at the level of the relationship between faith and reason. Such dialogue concerns the natural sciences as much as the human sciences, which posit new and complex philosophical and ethical problems. The Christian

“Living in various circumstances during the course of time, the church, too, has used in her preaching the discoveries of different cultures to spread and explain the message of Christ to all nations, to probe it and more deeply understand it, and to give it better expression in liturgical celebrations and in the life of the diversified community of the faithful” (*Gaudium et spes*, 58).

¹ Paul VI, apostolic exhortation *Evangelii Nuntiandi*, 20: AAS 68 (1976), p. 18. Cf. *Gaudium et spes*, 58.

² John Paul II. Address to Intellectuals, Students and University Personnel at Medellin, Colombia, July 5, 1986. No. 3: AAS 79 (1987), p. 99. Cf. also *Gaudium et spes*, 58.

researcher should demonstrate the way in which human intelligence is enriched by the higher truth that comes from the Gospel: “The intelligence is never diminished, rather it is stimulated and reinforced by that interior fount of deep understanding (that is the word of God and by the hierarchy of values that results from it.... In its unique manner, the Catholic university helps to manifest the superiority of the spirit that can never, without the risk of losing its very self, be placed at the service of something other than the search for truth.”³⁹

47. Besides cultural dialogue, a Catholic university, in accordance with its specific ends and keeping in mind the various religious-cultural contexts following the directives promulgated by competent ecclesiastical authority, can offer a contribution to ecumenical dialogue. It does so to further the search for unity among all Christians. In inter-religious dialogue it will assist in discerning the spiritual values that are present in the different religions.

4. *Evangelization*

48. The primary mission of the church is to preach the Gospel in such a way that a relationship between faith and life is established in each individual and in the socio-cultural context in which individuals live and act and communicate with one another. Evangelization means “bringing the good news into all the strata of humanity, and through its influence transforming humanity from within and making it new. ... It is a question not only of preaching the Gospel in ever wider geographic areas or to ever greater numbers of people, but also of affecting and, as it were, upsetting, through the power of the Gospel, humanity's criteria of judgment determining values, points of interest, lines of thought, sources of inspiration and models of life which are in contrast with the word of God and the plan of salvation.”⁴⁰

49. By its very nature, each Catholic university makes an important contribution to the church's work of evangelization. It is a living institutional witness to Christ and his message, so vitally important in cultures marked by secularism or where Christ and his message are still virtually unknown. Moreover, all the basic academic activities of a Catholic university are connected with and in harmony with the evangelizing mission of the church: research carried out in the light of the Christian message which puts new human discoveries at the service of individuals and society; education offered in a faith context that forms men and women capable of rational and critical judgment and conscious of the transcendent dignity of the human person; professional training that incorporates ethical values and a sense of service to individuals and to society; the dialogue with culture that makes the faith

Paul VI. Address to Delegates of the International Federation of Catholic Universities, Nov 27, 1972. 445-64 (1972). p. 770.

* Ibid., *Evangelii Nuntiandi*, 18ff.

better understood and the theological research that translates the faith into contemporary language. “Precisely because it is more and more conscious of its salvific mission in this world, the church wants to have these centers closely connected with it; it wants to, have them present and operative in spreading the authentic message of Christ.”⁴¹

II. General Norms

Article 1. The Nature of These General Norms

1. These general norms are based on and are a further development of the *Code of Canon Law*⁴² and the complementary church legislation, without prejudice to the right of the Holy See to intervene should this become necessary. They are valid for all Catholic universities and other Catholic institutes of higher studies throughout the world.

2. The general norms are to be applied concretely at the local and regional levels by episcopal conferences and other assemblies of Catholic hierarchy⁴³ in conformity with the *Code of Canon Law* and complementary church legislation, taking into account the statutes of each university or institute and, as far as possible and appropriate, civil law. After review by the Holy See,⁴⁴ these local or regional “ordinances” will be valid for all Catholic universities and other Catholic institutes of higher studies in the region, except for ecclesiastical universities and faculties. These latter institutions, including ecclesiastical faculties which are part of a Catholic university, are governed by the norms of the apostolic constitution *Sapientia Christiana*.⁴⁵

3. A university established or approved by the Holy See, by an episcopal conference or another assembly of Catholic hierarchy, or by a diocesan bishop is to incorporate these general norms and their local and regional applications into its governing documents and conform its existing statutes both to the general norms and to their applications and submit them for approval to the competent ecclesiastical authority. It is contemplated that other Catholic universities, that is,

⁴¹ Ibid.. Address to Presidents and Rectors of the Universities of the Society of Jesus. Aug. 6. 1975, No 2: AAS 67 (1975). p 533. Speaking to the participants of the International Congress on Catholic Universities. April 25. 1989, added (No. 5): "Within a Catholic university the evangelical mission of the church and the mission of research and teaching become interrelated and coordinated."

⁴² Cf. in particular the chapter of the code "Catholic Universities and other Institutes of Higher Studies" (cc. 807-814).

⁴³ Episcopal conferences were established in the Latin rite. Other rites have other assemblies of Catholic hierarchy.

⁴⁴ Cf. c. 455. 2.

⁴⁵ Cf. *Sapientia Christiana*. Ecclesiastical universities and faculties are those that have the right to confer academic degrees by the authority of the Holy See.

(those not established or approved in any of the above ways, with the agreement of the local ecclesiastical authority will make their own the general norms and their local and regional applications, internalizing them into their governing documents and, as far as possible, will conform their existing statutes both to these general norms and to their applications.

Article 2. The Nature of a Catholic University

1. A Catholic university, like every university, is a community of scholars representing various branches of human knowledge. It is dedicated to research, to teaching and to various kinds of service in accordance with its cultural mission.

2. A Catholic university, as Catholic, informs and carries out its research, teaching and all other activities with Catholic ideals, principles and attitudes. It is linked with the church either by a formal, constitutive and statutory bond or by reason of an institutional commitment made by those responsible for it.

3. Every Catholic university is to make known its Catholic identity either in a mission statement or in some other appropriate public document, unless authorized otherwise by the competent ecclesiastical authority. The university, particularly through its structure and its regulations, is to provide means which will guarantee the expression and the preservation of this identity in a manner consistent with Section 2.

4. Catholic teaching and discipline are to influence all university activities, while the freedom of conscience of each person is to be fully respected.⁴⁶ Any official action or commitment of the university is to be in accord with its Catholic identity.

5. A Catholic university possesses the autonomy necessary to develop its distinctive identity and pursue its proper mission. Freedom in research and teaching is recognized and respected according to the principles and methods of each individual discipline, so long as the rights of the individual and of the community are preserved within the confines of the truth and the common good.⁴⁷

Article 3. The Establishment of a Catholic University

1. A Catholic university may be established or approved by the Holy See, by an episcopal conference or another assembly of Catholic hierarchy, or by a diocesan bishop.

2. With the consent of the diocesan bishop, a Catholic university may also be established by a religious institute or other public juridical person.

3. A Catholic university may also be established by other ecclesiastical or lay

*Cf. *Dignitatis Humanae*, 2.

⁴⁶Cf. *Gaudium et spes*, 57 and 59. *Gravissimum Educationis*, 10.

persons; such a university may refer to itself as a Catholic university only with the consent of the competent ecclesiastical authority, in accordance with the conditions upon which both parties shall agree.⁴⁸

4. In the cases of Sections 1 and 2, the statutes must be approved by the competent ecclesiastical authority.

Article 4. The University Community

1. The responsibility for maintaining and strengthening the Catholic identity of the university rests primarily with the university itself. While this responsibility is entrusted principally to university authorities (including, when the positions exist, the chancellor and/or a board of trustees or equivalent body), it is shared in varying degrees by all members of the university community and therefore calls for the recruitment of adequate university personnel, especially teachers and administrators, who are both willing and able to promote that identity. The identity of a Catholic university is essentially linked to the quality of its teachers and to respect for Catholic doctrine. It is the responsibility of the competent authority to watch over these two fundamental needs in accordance with what is indicated in canon law.⁴⁹

2. All teachers and all administrators, at the time of their appointment, are to be informed about the Catholic identity of the institution and its implications, and about their responsibility to promote, or at least to respect, that identity.

3. In ways appropriate to the different academic disciplines, all Catholic teachers are to be faithful to, and all other teachers are to respect, Catholic doctrine and morals in their research and teaching. In particular, Catholic theologians, aware that they fulfill a mandate received from the church, are to be faithful to the magisterium of the church as the authentic interpreter of sacred Scripture and sacred tradition.⁵⁰

4. Those university teachers and administrators who belong to other churches,

" Both the establishment of such a university and the conditions by which it may refer to itself as a Catholic university are to be in accordance with the prescriptions issued by the Holy See, episcopal conference or other assembly of Catholic hierarchy.

⁴⁸ C 810 of the *Code of Canon Law* specifies the responsibility of the competent authorities in this area. Section 1: "It is the responsibility of the authority who is competent in accord with the statutes to provide for the appointment of teachers to Catholic universities who, besides their scientific and pedagogical suitability, are also outstanding in their integrity of doctrine and probity of life; when those requisite qualities are lacking they are to be removed from their positions in accord with the procedure set forth in the statutes. Section 2: The conference of bishops and the diocesan bishops concerned have the duty and right of being vigilant that in these universities the principles of Catholic doctrine are faithfully observed." Cf. also Article 5.2 ahead in these norms.

⁴⁹ *Lumen gentium*, 25; *Dei Verbum*, 8-10; cf. c. 812; "It is necessary that those who teach theological disciplines in any institute of higher studies have a mandate from the competent ecclesiastical authority."

ecclesial communities or religions as well as those who profess no religious belief, and also all students, are to recognize and respect the distinctive Catholic identity of the university. In order not to endanger the Catholic identity of the university or institute of higher studies, the number of non-Catholic teachers should not be allowed to constitute a majority within the institution, which is and must remain Catholic.

5. The education of students is to combine academic and professional development with formation in moral and religious principles and the social teachings of the church; the program of studies for each of the various professions is to include an appropriate ethical formation in that profession. Courses in Catholic doctrine are to be made available to all students/

Article 5. The Catholic University Within the Church

1. Every Catholic university is to maintain communion with the universal church and the Holy See; it is to be in close communion with the local church and in particular with the diocesan bishops of the region or nation in which it is located. In ways consistent with its nature as a university, a Catholic university will contribute to the church's work of evangelization.

2. Each bishop has a responsibility to promote the welfare of the Catholic universities in his diocese and has the right and duty to watch over the preservation and strengthening of their Catholic character. If problems should arise concerning this Catholic character, the local bishop is to take the initiatives necessary to resolve the matter, working with the competent university authorities in accordance with established procedures⁵¹ and, if necessary, with the help of the Holy See.

3. Periodically, each Catholic university to which Article 3. Sections 1 and 2. refers is to communicate relevant information about the university and its activities to the competent ecclesiastical authority. Other Catholic universities are to communicate this information to the bishop of the diocese in which the principal seat of the institution is located.

Article 6. Pastoral Ministry

I. A Catholic university is to promote the pastoral care of all members of the university community and to be especially attentive to the spiritual development of those who are Catholics. Priority is to be given to those means which will facilitate the integration of human and professional education with religious values in the

⁵¹ Cf. c. 811. §2.

For universities to which Article 3, Secs 1 and 2, refer, these procedures are to be established in the university statutes approved by the competent ecclesiastical authority. for other Catholic universities, they are to be determined by episcopal conferences or other assemblies of Catholic hierarchy

light of Catholic doctrine, in order to unite intellectual learning with the religious dimension of life.

2. A sufficient number of qualified people – priests, religious and lay persons – are to be appointed to provide pastoral ministry for the university community, carried on in harmony and cooperation with the pastoral activities of the local church under the guidance or with the approval of the diocesan bishop. All members of the university community are to be invited to assist the work of pastoral ministry and to collaborate in its activities.

Article 7. Cooperation

1. In order better to confront the complex problems facing modern society and in order to strengthen the Catholic identity of the institutions, regional, national and international cooperation is to be promoted in research, teaching and other university activities among all Catholic universities, including ecclesiastical universities and faculties.⁵ Such cooperation is also to be promoted between Catholic universities and other universities, and with other research and educational institutions, both private and governmental.

2. Catholic universities will, when possible and in accord with Catholic principles and doctrine, cooperate with government programs and the programs of other national and international organizations on behalf of justice, development and progress.

Transitional Norms

Article 8

The present constitution will come into effect on the first day of the academic year 1991.

Article 9

The application of the constitution is committed to the Congregation for Catholic Education, which has the duty to promulgate the necessary directives that will serve toward that end.

Article 10

It will be the competence of the Congregation for Catholic Education, when with the passage of time circumstances require it, to propose changes to be made

« Cf c. 820 Cf. also *Sapientia Christiana*, “norms of application,” Article 49.

in the present constitution in order that it may be adapted continuously to the needs of Catholic universities.

Article 11

Any particular laws or customs presently in effect that are contrary to this constitution are abolished. Also, any privileges granted up to this day by the Holy See, whether to physical or moral persons, that are contrary to this present constitution are abolished.

Conclusion

The mission that the church, with great hope, entrusts to Catholic universities holds a cultural and religious meaning of vital importance because it concerns the very future of humanity. The renewal requested of Catholic universities will make them better able to respond to the task of bringing the message of Christ to man, to society, to the various cultures:

“Every human reality, both individual and social, has been liberated by Christ: persons as well as the activities of men and women, of which culture is the highest and incarnate expression. The salvific action of the church on cultures is achieved, first of all, by means of persons, families and educators... . Jesus Christ, our Savior, offers his light and his hope to all those who promote the sciences, the arts, letters and the numerous fields developed by modern culture. Therefore, all the sons and daughters of the church should become aware of their mission and discover how the strength of the Gospel can penetrate and regenerate the mentalities and dominant values that inspire individual cultures as well as the opinions and mental attitudes that are derived from it.”⁵⁴

It is **with fervent hope** that I address this document to all the men and women engaged in various ways in the significant mission of Catholic higher education.

Beloved brothers and sisters, my encouragement and my trust go with you in your weighty daily task that becomes ever more important, more urgent and necessary on behalf of evangelization for the future of culture and of all cultures. The church and the world have great need of your witness and of your capable, free and responsible contribution.

Given in Rome, at St. Peter's, on Aug. 15, the solemnity of the assumption of the Blessed Virgin Mary into heaven, in the year 1990, the 12th of the pontificate.

⁵⁴John Paul II. Address to the Pontifical Council for Culture. Jan 13, 1989, No 2: AAS 81 (1989). pp 857-858.

John Paul II. ap. const. *Ex Corde Ecclesiae*. 15 August 1990, *AAS* 82 (1990): 1475-1509; *IPS If* (1991): 21-41; *Origins* 20 (1990): 265, 267-276

Catholic Universities:

John Paul II. discourse to leaders of Catholic universities. 9 September 1989. *TPS* 35 (1990): 29-32.

CANON 813

The Church and the University Culture:

Cong. for Cath Ed., Pont. Council for Culture. Pont. Council for the Laity, report on Vatican consultation regarding the Church and (he university culture. 8 June 1988. *Origins* 18(1988): 109-112.

CANON 816

Vatican Ban on Honorary Degree for Archbishop Weakland. Private.

Letter from Father Damian Byrne, OP to Archbishop Weakland, Oct. 21, 1990:

I received a negative reply to the request I made on behalf of our theological faculty in Fribourg to grant you a doctorate *honoris causa*.

The reply from the Congregation of Education is worded as follows:

“With regard to Archbishop Rembert Weakland, this prelate has recently taken certain positions relative to the question of abortion, which are not without doctrinal importance and which are causing a great deal of confusion among the faithful of the United States. The granting of a doctorate *honoris causa* by a prestigious faculty of theology would only add to the confusion.”

Yesterday three Swiss bishops and the secretary of the conference, Father Roland Trauffer, OP, visited with Archbishop Laghi to ask for a reconsideration, but to no avail.

Everything I have seen about your encounters with the women over the matter of abortion indicated the concern of a pastor for wounded people and no more. If you wish I will be happy to see Archbishop Laghi. The secretarial of the Swiss conference is at the: Salesianum, Moleson 21, CP 22, 1700 Fribourg, Tel. 037.224794.

I am sorry that I am the bearer of this news, but I can assure you that your

Letter from Archbishop Rembert Weakland to Father Byrne, Oct. 23, 1990:

After receiving your letter and talking with Father Roland Trauffer. OP. secretary of the conference of Swiss bishops, I felt it would be wise for me to withdraw my name from receiving an honorary doctorate at the University of Fribourg on Nov. 15. In the light of the difficulties that have arisen, I sense this would be the most prudent action for the sake of the church in Switzerland at this moment.

I will be sending a copy of this letter to Archbishop Laghi of the Congregation for Education, to Father Roland Trauffer, OP, of the Swiss conference of bishops and also to the rector of the University of Fribourg.

I know that it will be impossible to keep the press from learning of this withdrawal of my name and of the circumstances that surrounded it. There simply are too many people who knew of the kind offer of the university to so honor me.

I regret that this will cause a certain amount of bitterness among many here in the United States and it will continue to encourage some to believe that the decisions in Rome are made primarily under pressures from ultraconservative groups in the United States and that it does not seem to matter what injustices are done to human beings by leaving such clouds over their heads.

In all of this I do not feel we are serving our Holy Father well and we continue to make the institutional church less and less credible.

Thank you for all the efforts that you have put into this distasteful affair.

Letter from Swiss Bishops' Conference Secretary General. Roland Trauffer. C.P. to Archbishop Weakland. Oct. 26, 1990:

On behalf of Msgr. Joseph Candolfi. president of the Swiss bishops' conference, I wish to communicate to you heartfelt thanks and sincere appreciation for the decision which you communicated to the Very Rev. Damien Byrne. OP. chancellor of the faculty of theology, in your letter of Oct. 23, 1990. The Swiss bishops' conference learned with relief of your decision, which clearly had not been an easy one.

Already during our telephone conversations on Oct. 22 and 23. I was able to express the utter incomprehension of the bishops' conference at Rome's decision. This was also the reason why on Oct. 19 a delegation of the bishops' conference to the *Congregatio de Institutione Catholica* not only tried to bring about a change of decision but also made a formal protest against the Roman decision.

The delegation was assured that this decision was clearly not a definitive evaluation but only a necessary answer in the present situation. Irrespective of the practical consequences of this decision for the church in Switzerland, for the University of Fribourg and especially for the faculty of theology, the congregation remains firm in its original decision. This is extremely painful and consequently

the Swiss bishops' conference can very well understand your statement in your letter to the Dominican master general that we are not serving "our Holy Father well and we continue to make the institutional church less and less credible."

In the meantime, according to an announcement made by the dean today, the faculty of theology has decided to refrain from the conferring of any honorary doctorates in this academic year. With (his. the whole affair has once again taken a rather dramatic turn. This reaction is also a source of great regret for the bishops' conference: If there are only negative responses on all sides, we are hindered in our God-given task and the credibility our witness suffers greatly. Clearly, I would have preferred had the circumstances of our renewed contact been more pleasant than those which at present regrettably prevail. Yet again we see the painful limits of our humanity, even when, within the church and for the church, we try to work in the name of Christ.

Let me again assure you that our conversations have made a deep impression on me and that your bearing in this whole matter has been inspiring.

I remain, respectfully yours in Christ Jesus our Lord.

Letter from Dr. O. Keel, Fribourg's Theology Faculty Council to Archbishop Wackland, Nov. 2, 1990:

The council of the theological faculty, at its extraordinary session on Oct. 24, received with great perplexity the information that the Roman authorities had made it impossible to bestow on you an honorary doctorate. What had been bantered about as rumor for days was confirmed by a written communication from the grand chancellor of the faculty, Father Damian Byrne, OP. Such procedures become less and less understandable as the church and her decision-making bodies lose their credibility in the public forum, totally abstracting from the fact (that the affair leaves a bitter aftertaste, seeing how the Roman authorities treat well-known people and are even ready to harm the honor of others and break the rules of dignified human behavior.

Insofar as the faculty has been informed, it had been proposed to you by the grand chancellor and by the bishops' conference to refuse the honorary degree in order to avoid the formal denial of the *nihil obstat*. The administration of the university as well as the faculty judge this procedure as highly unfortunate and unacceptable, since such a manner of treating people offends all dignity. Moreover, in this way the autonomy of the faculty as well as that of the university is harmed in a clear and striking fashion. We regret greatly that the faculty that wanted to honor you could not discuss with you about an eventually agreed upon decision concerning further procedures. The rector of the university, Professor A. Macheret, emphasized this point to the grand chancellor as well as to the local bishops in the clearest way possible. The general administration of the university, the *rektorat*, will not let the matter of this censure rest but demands full clarity

about the transactions. We understand, naturally, your decision on Oct. 23 and accept all too well that you had no other choices under the circumstances.

Moreover, it must also be mentioned that Father P. Nolan, a former general master of the Dominican order, has suffered the same fate. The faculty wanted to honor him for his extraordinary work in South Africa. Under the same offensive circumstances, he was constrained to refuse the honorary doctorate.

In the light of this situation, the faculty council decided to grant no honorary degrees on the *dies academicus* that is on Nov. 15, as it begins its celebration of its 100th anniversary. In addition, we had wished to honor: Archbishop Rivera y Damas of El Salvador, Madame M. Buehrig of the Ecumenical Council of Churches, Professor J.A. Sanders of Mississippi. Although with regard to these three other people no serious objections on the part of Rome were brought forward, the faculty decided to renounce giving honorary degrees to these personages as well. As a sign of solidarity with you and Father Nolan, we felt it was more suitable to grant no honorary degrees at all. Through this abstention we wanted to make it very clear that Rome's decision was unacceptable and in this way show our sympathy for those whom the faculty wanted to honor. In our powerlessness lies perhaps our only power.

We would like again to state that we are very disturbed by the denial of the *nihil obstat* in your regard, especially when you were unanimously proposed by all the professors of the faculty for this honorary degree. We wanted to honor in you "one of the outstanding persons of Catholicism in North America, who stand for a just, humane and free society, as well as for a church that is believable. Under your chairmanship the so-called economic pastoral letter of 1986 became one of the most creative and constructive advancements in Catholic social teaching in recent times" (citation). 1991 is the year of the encyclical *Rerum Novarum*, on which Fribourg had a decided influence. That there exists this close connection between this fact and you is something we wanted to point out in a special way. And the fact that this now cannot take place leaves a bitterness that is hard to swallow.

Exchange of correspondence regarding conferral of Honorary Degree for Archbishop Wackland. 22 November 1990. *Origins* 20 (1990): 387-389.

CANON 818

The Reverend Charles Curran Case. April, 1983 to March 1989.

1. Observations by CDF:

CDF, April 1983, observations. *Origins* 15 (1983): 670-672

2. Response to Congregation's Observations:

Charles Cumin. 10 August 1983, response to Congregation. *Origins* 15 (1983) 672-675

3. Request for a “complete response”:

Cardinal Ratzinger. 13 April 1984, letter requesting a complete response. *Origins* 15(1983). 675

4. Response to request for “complete response”:

Charles Curran, 24 August 1984. response to CDF request. *Origins* 15 (1983): 676-680.

5. Cardinal Ratzinger’s letter asking for a retraction, September 17, 1983,

In your letter of August 24, 1984, you forwarded your response to this congregation’s critical “observations” on your work which we had sent to you with our letter of May 10, 1983. We would like to assure you that your responses have been carefully studied and to say that we are now, after a multiple exchange of correspondence, in a position to bring this inquiry to a conclusion. The results of the congregation’s inquiry were presented to the sovereign pontiff in an audience granted to the undersigned cardinal prefect on June 28, 1985, and were confirmed by him.

The results of this study make it essential to refer here, however briefly, to some theological and juridical points which give definition to all theological teaching in the Catholic Church. Above all, we must recall the clear doctrine of Vatican Council II regarding the principles for the assent of faith (*Lumen gentium*, 25). This doctrine was incorporated in the revised *Code of Canon Law*, which in canon 752 sums up the thought of the council on this point.

The apostolic constitution *Sapientia Christiana* makes specific application of these principles to the particular requirements of theological instruction and says that Catholic theologians, hence those teaching in ecclesiastical faculties, do not teach on their own authority, but by virtue of the mission they have received from the church (No. 27.1 ; cf. No. 26.2). In order to guarantee this teaching, the church claims the freedom to maintain her own academic institutions in which her doctrine is reflected upon, taught and interpreted in complete fidelity. This freedom of the church to teach her doctrine is in full accord with the students’ corresponding right to know what that teaching is and have it properly explained to them. This freedom of the church likewise implies the right to choose for her theological faculties those and only those professors who, in complete intellectual honesty and integrity, recognize themselves to be capable of meeting these requirements.

In the correspondence exchanged between yourself and this congregation, you have clearly affirmed that the positions you have maintained on various important elements of moral doctrine are in open contrast with the teaching of the magisterium, about which the above-mentioned official documents speak. In what follows, we would like to list briefly the points on which this dissent has been verified.

The first area of dissent is with regard to the principle of the church’s teaching according to which every marital act must remain open to the transmission of life, and therefore artificial contraception and direct sterilization are forbidden as intrinsically wrong. This is in perfect agreement with the living tradition of the

church, made evident in the teaching of recent popes, the documents of Vatican Council II and explicitly affirmed by Pope Paul VI in *Humanae Vitae*. Since that time, it has been confirmed in *Familiaris Consortio* by Pope John Paul II and steadily repeated by him on several occasions.

Likewise, regarding the issues of abortion and euthanasia, the leaching of the church, from which you dissent, has been unequivocal and, despite pressure to the contrary, the magisterium has recently reaffirmed the sacred and inviolable character of human life from the moment of conception. Every true Catholic must hold that abortion and euthanasia are unspeakable crimes, that is to say, actions that cannot be approved of for any motive or in any circumstance. No one can take the life of an innocent human being, whether a fetus or an embryo, child or adult, elderly, incurably ill or near death, without opposing God's love for them, without violating a fundamental right and therefore without committing a crime of the utmost gravity (*Gaudium et spes*, 51 ; Congregation for the Doctrine of the Faith. "Decree on Abortion," 14, "Decree on Euthanasia," II).

With respect to the third area noted in the observations, i.e., masturbation, premarital intercourse and homosexual acts, all the faithful are bound to follow the magisterium, according to which these acts are intrinsically immoral. On this point, the 1975 "Declaration on Certain Questions Concerning Sexual Ethics" is clear. Whatever the motive may be, the deliberate use of the sexual faculty outside normal and legitimate conjugal relations essentially contradicts its finality, the purpose intended by the Creator.

Finally, as was again pointed out in the observations, the leaching of the Council of Trent on the indissolubility of sacramental and consummated marriage was clearly taught by Vatican Council II. which described marriage as an indissoluble bond between two persons. A Catholic cannot affirm the contrary (cf. *Gaudium et spes*, 48-51). This truth has likewise been incorporated in the revised code's canon 1056.

In light of the indispensable requirements for authentic theological instruction, described by the council and by the public law of the Catholic Church (cf. *supra*), the congregation now invites you to reconsider and to retract those positions which violate the conditions necessary for a professor to be called a Catholic theologian. It must be recognized that the authorities of the church cannot allow the present situation to continue in which the inherent contradiction is prolonged that one who is to teach in the name of the church in fact denies her teaching.

The consignment of this letter to you by the competent authorities is meant to assure a just resolution of this case for yourself and for all the parties involved.

We would ask that you forward your reply to this letter to the most reverend chancellor of the Catholic University as soon as possible in a time period not to exceed two months.

In your letter you indicated that you had not taken the positions you have without "a great deal of prayer, study, consultation and discernment." This fact

inspires us to hope that by further application of these means, you will come to that due adherence to the church’s doctrine which should characterize all the faithful.

Cardinal Ratzinger, 17 September 1985 (released 11 March 1986), *Origins* 15 (1986): 667-668.

6. Statement during Press Conference after CDF Meeting:

Charles Curran, 11 March 1986, statement. *Origins* 15(1986): 665-667.

7. Memorandum on Ethical Positions:

Charles Curran. 11 March 1986. memorandum issued during press conference. *Origins* 15(1986); 669-670.

8. Refusal to Issue Retraction, 1 April 1986.

Archbishop Hickey forwarded to me a copy of your letter of March 10. I want to respond expeditiously to your request for a final written reply so that you can bring this reply and the results of our informal meeting to the cardinals of the congregation as soon as possible, I will incorporate as part of this final written response the preliminary reply I made in a letter addressed to Archbishop Hickey Dec. 9, 1985. A copy of that letter is enclosed.

This letter will be primarily a brief summary of the points brought up at our March 8 meeting. I communicated to you the substance of my final response at that time. However, I understand your concern to have a written document.

First of all, I want to thank you for the March 8 meeting. I imagine that both of us wished there would have been more true dialogue, but at least we were able to state our positions to one another in a respectful way. I did appreciate your explicit recognition of the fact that I have never denied any dogmas or truths of the faith. Throughout this whole investigation I have tried to point out the importance of the hierarchy of truths. In my preliminary response of Dec. 9, I tried to pinpoint as accurately as possible the differences between the congregation and myself.

After our informal meeting I must reiterate what was said in my preliminary response of Dec. 9: “I still remain quite disappointed with the dialogue that has ensued between the congregation and myself on this matter. Both good theology and justice demand that the congregation explicitly state what are the norms governing the legitimacy or the possibility of dissent from such non-infallible teaching and then indicate how I have violated these norms. In 1979, I proposed five questions and my answers to these questions in an attempt to find out what might be the norms that the congregation is proposing, but there has never been a response to these questions. Later I expressed my willingness to accept the criteria for dissent proposed by the U.S. bishops in 1968. but again the congregation was unwilling to accept these norms.”

In my judgment public theological dissent on the issues involved in your investigation of my writings is legitimate. I have carefully observed the guidelines for public theological dissent from non-infallible teaching laid down by the U.S.

bishops in their 1968 pastoral letter “Human Life in Our Day”: “The expression of theological dissent from the magisterium is in order only if the reasons are serious and well-founded, if the manner of the dissent does not question or impugn the teaching authority of the church and is such as not to give scandal.”

In our correspondence I have pointed out that many other theologians hold similar positions and that it is an injustice to me and harmful to the credibility of the church and its hierarchical teaching office to single me out when so many others throughout the world hold similar positions.

In my preliminary response of Dec. 9 to Archbishop Hickey I briefly stated my positions on the four areas of my dissent mentioned in your Sept. 17 letter. I have always discussed and explained the official hierarchical teaching in these areas with great respect. As mentioned earlier my positions are at times in substantial agreement with these official teachings. Likewise, I have carefully pointed out where my proposals are more tentative and probing. I remain convinced of the truthfulness of these positions at the present time, but I am always open to change these positions in the light of pervasive and convincing reasons.

In conscience at the present time I cannot and do not change the theological positions I have taken. However, I once again bring to your attention the proposal I made in my meetings with Archbishop Hickey and Cardinal Bernardin and which was communicated to you by them and repeated by me in our meeting of March 8. This proposal tries to protect my own integrity as well as the integrity and responsibilities of the hierarchical teaching office in the church. I would not teach the course in sexual ethics in the department of theology of The Catholic University of America, but I would remain a tenured faculty member in this department. The congregation might also deem it necessary to issue a document pointing out that my positions on the issues under discussion are at variance with existing official hierarchical teaching.

I close with the hope expressed by Father Haring in our meeting that a solution can be found which is mutually acceptable and for the good of the church.

Charles Curran. 1 April 1986 (published 25 April 1986). letter to Cardinal Ratzinger. *Origins* 15 (1986): 771.

9. Reactions to the Situation between CDF and Father Curran:

Bishop James Malone, past presidents of two theological societies. Archbishop James Hickey. Bishop Matthew Clark. 3 April 1986, statements. *Origins* 15 (1986): 691-694

10. CDF Statement re: Father Curran’s academic standing, 25 July 1986. (Italian text) AAS 79 (1987): 116.

This congregation wishes to acknowledge receipt of your letter of April 1, 1986, with which you enclosed your definitive reply to its critical observations on various positions you have taken in your published work. You note that you

“remain convinced of the truthfulness of these positions at the present time.” You reiterate as well a proposal which you have called a “compromise” according to which you would continue to teach moral theology but not in the field of sexual ethics.

The purpose of this letter is to inform you that the congregation has confirmed its position that one who dissents from the magisterium as you do is not suitable nor eligible to teach Catholic theology. Consequently, it declines your compromise solution because of the organic unity of authentic Catholic theology, a unity which in its content and method is intimately bound to fidelity to the church’s magisterium.

The several dissenting positions which this congregation contested, namely, on a right to public dissent from the ordinary magisterium, the indissolubility of consummated sacramental marriage, abortion, euthanasia, masturbation, artificial contraception, premarital intercourse and homosexual acts, were listed carefully enough in the above mentioned observations in July of 1983 and have since been published. There is no point in entering into any detail concerning the fact that you do indeed dissent on these issues.

There is, however, one concern which must be brought out. Your basic assertion has been that since your positions are convincing to you and diverge only from the “non-infallible” teaching of the church, they constitute “responsible” dissent and should therefore be allowed by the church. In this regard, the following considerations seem to be in order.

First of all, one must remember the teaching of the Second Vatican Council, which clearly does not confine the infallible magisterium purely to matters of faith nor to solemn definitions. *Lumen gentium*, No. 25 states: “When, however, they (the bishops) even though spread throughout the world, but still maintaining the bond of communion between themselves and with the successor of Peter, and authentically teaching on matters of faith or morals, are in agreement that a particular position ought to be held as definitive, then they are teaching the doctrine of Christ in an infallible manner.” Besides this, the church does not build its life upon its infallible magisterium alone but on the teaching of its authentic, ordinary magisterium as well.

In light of these considerations, it is clear that you have not taken into adequate account, for example, that the church’s position on the indissolubility of sacramental and consummated marriage, which you claim ought to be changed, was in fact defined at the Council of Trent and so belongs to the patrimony of the faith. You likewise do not give sufficient weight to the teaching of the Second Vatican Council when in full continuity with the tradition of the church it condemned abortion, calling it an “unspeakable crime.” In any case, the faithful must accept not only the infallible magisterium. They are to give the religious submission of intellect and will to the teaching which the supreme pontiff or the college of bishops enunciate on faith or morals when they exercise the authentic magisterium.

even if they do not intend to proclaim it with a definitive act. This you have continued to refuse to do.

There are, moreover, two related matters which have become widely misunderstood in the course of the congregation's inquiry into your work, especially in the past few months, and which should be noted. First, you publicly claimed that you were never told who your "accusers" were. The congregation based its inquiry exclusively on your published works and on your personal responses to its observations. In effect, then, your own works have been your "accusers" and they alone.

You further claimed that you were never given the opportunity of counsel. Since the inquiry was conducted on a documentary basis, you had every opportunity to take any type of counsel you wished. Moreover, it is clear that you did so. When you replied to the congregation's observations with your letter of Aug. 24, 1984, you stated that you had taken the positions you have "with a great deal... of consultation;" and in the congregation's letter of Sept. 17, 1985, you were actually urged to continue the use of that very means so that an acceptable resolution of the differences between you and the teaching of the church could be attained. Finally, at your own request, when you came for our meeting on March 8, 1986, you were accompanied by a theologian of your own choosing and confidence.

In conclusion, this congregation calls attention to the fact that you have taken your dissenting positions as a professor of theology in an ecclesiastical faculty at a pontifical university. In its letter of Sept. 17, 1985, to you, it was noted that "the authorities of the church cannot allow the present situation to continue in which the inherent contradiction is prolonged that one who is to teach in the name of the church in fact denies her teaching." In light of your repeated refusal to accept what the church teaches and in light of its mandate to promote and safeguard the church's teaching on faith and morals throughout the Catholic world, this congregation, in agreement with the Congregation for Catholic Education, sees no alternative now but to advise the Most Reverend chancellor that you will no longer be considered suitable nor eligible to exercise the function of a professor of Catholic theology.

This decision was presented to His Holiness in an audience granted to the undersigned prefect on the 10th of July of this year, and he approved both its content and the procedure followed.

This dicastery also wishes to inform you that this decision will be published as soon as it is communicated to you.

May I finally express the sincere hope that this regrettable, but necessary, outcome to the congregation's study might move you to reconsider your dissenting positions and to accept in its fullness the teaching of the Catholic Church.

11. Support for Vatican Decision by Archbishop Hickey, 18 August 1986.

Today I am authorized to release a letter from the Congregation for the Doctrine of the Faith conveying its final decision concerning the case of Father Charles E. Curran, professor of moral theology at The Catholic University of America. The congregation found that a number of Father Curran's writings are in serious conflict with the authentic teaching of the Catholic Church. For that reason the CDF declared that Father Curran "will no longer be considered suitable nor eligible to exercise the function of a professor of Catholic theology." This judgment has been approved by the Holy Father, Pope John Paul II.

I fully support this judgment of the Holy See. The Holy Father and the bishops have the right and the duty to ensure that what is taught in the name of the church be completely faithful to its full and authentic teaching. The faithful have a right to sound teaching and the church's officially commissioned teachers have a particular responsibility to honor that right. In view of the Holy See's declaration and in accordance with the statutes of Catholic University, I have initiated the withdrawal of Father Curran's ecclesiastical license to teach Catholic theology. Father Curran will enjoy the right to the procedures of due process set forth in the statutes.

The declaration of the Holy See follows a lengthy correspondence which the CDF initiated with Father Curran in 1979 regarding certain errors and ambiguities in his published writings on moral theology. The congregation asked Father Curran to respond to its observations and later asked him to reconsider his positions which dissent from the authentic teaching of the church. Father Curran released this correspondence to the press several months ago.

In 1980, when I was appointed the archbishop of Washington and *ex officio* the chancellor of Catholic University, exchanges between the CDF and Father Curran were already under way. As chancellor I sought to facilitate that process. As occasion demanded I met with Father Curran and with officials of the university and the Holy See. This past year, when the case reached its final phase, Cardinal (Joseph) Bernardin, chairman of the board of Catholic University, and I met with Father Curran four times to discuss his dissenting opinions in light of his official license to teach Catholic theology.

In the letter to Father Curran, the congregation points out that the authentic teachings of the church, enunciated by the Holy Father and the bishops in communion with him, although not solemnly defined, require a religious submission of intellect and will. The infallible teachings of the church do not stand alone; they are intimately related to all official church teachings and together form an organic unity of faith.

While this decision is surely difficult for Father Curran, it is my hope that his love for the church will prompt him to reconsider his dissenting opinions and to

accept the guidance of the magisterium. So also I pray that all of us will grow in an appreciation of that truth and power of the Gospel with which the Lord has endowed his church.

Archbishop James Hickey, 18 August 1986. statement of support for Vatican decision. *Οηχημη* 16 (1986): 204.

12. Response of Father Curran to CDF Decision, 20 August 1986.

From the very beginning of the public discussion of my dispute with the Vatican's Congregation for the Doctrine of the Faith I insisted on making this a teaching moment.

On Monday, August 18, at a 4 P.M. meeting, Archbishop James A. Hickey, the chancellor of The Catholic University of America, handed me a letter addressed to me by Cardinal Joseph Ratzinger, the prefect of the Congregation for the Doctrine of the Faith. Ratzinger informed me that I "will no longer be suitable nor eligible to exercise the function of a professor of Catholic theology." The archbishop informed me that this letter had at that time been released to the press.

In addition Archbishop Hickey gave me his own letter in which as chancellor of The Catholic University of America he initialed the withdrawal of the canonical mission which permits me to teach theology at this university. The letter also reminded me of my right to request the procedures found in the canonical statutes of the ecclesiastical faculties. If I do not exercise that right by Sept. 1, he will notify the president of the university that the canonical mission has been withdrawn. In addition, he gave me his press release. He also said that he could give me no answer as to whether or not I would still be allowed to teach at the university in some faculty other than the faculty of theology. That answer, according to Archbishop Hickey, could only be given by the board of trustees.

In keeping with my aim of making this a teaching moment, I want first to address the issues involved in Cardinal Ratzinger's July 25 letter to me and then to raise further issues not discussed in that letter. The issues involved in Cardinal Ratzinger's July 25 letter to me are basically three: the moral theological positions I have taken, the legitimacy of my theological dissent and my criticisms of the process.

First, the letter of Cardinal Ratzinger gives the impression that on the specific moral issues involved in the dispute the official teaching is opposed to such actions and I am in favor of them. That is not the case. I have always developed my moral theology in the light of accepted Catholic principles. My positions on the particular issues involved are always carefully nuanced and often in fundamental agreement with the existing hierarchical teaching. Yes, occasionally I have dissented from the official teaching on some aspects of specific issues, but this is within a more general and prevailing context of assent.

Second, the issue of dissent. The July 25 letter refers to both the infallible and

non-infallible magisterium. However, in all the correspondence before 1985 the Congregation for the Doctrine of the Faith recognized that the issue was public dissent from the non-infallible hierarchical magisterium as is spelled out in the very first sentence of the “observations” sent to me in April 1983. In reality, the July 25 letter refers only to the indissolubility of marriage as defined at the Council of Trent and belonging to the patrimony of faith. However, all Catholic theologians recognize the teaching of the Council of Trent does not exclude as contrary to faith the practice of *econoniia* in the Greek church. I have maintained that the position I propose on the indissolubility of marriage is in keeping with this tradition.

Thus, we are dealing with the non-infallible hierarchical leaching. Here too, in my writing and recent public statements, I have not proposed the possibility and legitimacy of dissent from all non-infallible teaching. In moral matters, all Christians must recognize that the follower of Jesus should be loving, caring, just and faithful. My disagreements are on the level of complex, specific actions which involve many conflicting circumstances and situations. By their very nature these specific concrete questions are far removed from the core of faith. Recall that official hierarchical teaching does not condemn all sterilization but recognizes that in some situations indirect sterilization is permitted. The 1968 statement of the Canadian bishops about Catholics who cannot accept the leaching of *Humanae Vitae* absolutely condemning artificial contraception for spouses is most pertinent. “Since they are not denying any point in divine and Catholic faith nor rejecting the leaching authority of the church, these Catholics should not be considered or consider themselves shut off from the body of the faithful.”

In short, I have defended my dissent as being in accord with the norms laid down by the U.S. bishops in their 1968 pastoral letter “Human Life in Our Day.” The congregation still must answer the questions I have been asking for six years. Does the congregation agree with the leaching proposed on dissent by the U.S. bishops or are they claiming that such teaching is wrong?

Third, the process. Most legal systems in the contemporary world recognize that the defendant has a right to the record of the trial, including the right to know who are the accusers. No such record has ever been made available to me. The process itself does not allow the individual involved to have counsel in any official meeting with the congregation or its officials. Cardinal Ratzinger himself maintained that my meeting with the officials of the congregation was a non-official meeting. Ratzinger himself admitted in 1984 that the congregation had decided to revise its present procedures, but workload and time constraints have not allowed this to take place. In this context, I should also point out that I have been given a copy of a letter from a cardinal member of the congregation dated July 11, 1986, in which this cardinal voting member says he has never received any dossier on my case.

Now I want to raise three issues that are not found in the July 25, 1986, letter of Cardinal Ratzinger.

First, the right of the faithful to dissent in practice from some of the non-infallible teachings with which I disagree. Do the faithful have such a right? What is the ecclesial status of those who so dissent? What does their practice say about the present teaching of the church?

Second, the theological community. The evidence in the last few months has clearly supported my contention that I am a theological moderate and that a strong majority of Catholic theologians support the legitimacy of my position. Over 750 theologians in North America have signed a theological statement of support for me.

This present support from the theological community is in continuity with the support shown for my theological endeavors over the last 25 years, most of which have been spent here at The Catholic University of America. The theological community has been in critical dialogue with my positions, but in the eyes of my peers I have been recognized as a significant Catholic moral theologian. My colleagues have elected me president of the Catholic Theological Society of America and of the Society of Christian Ethics. I was the first recipient of the John Courtney Murray Award of the Catholic Theological Society of America for outstanding achievement in theology.

What does this split between theologians and pastors say? This is a pressing problem for the Roman Catholic Church, which has always given great weight and importance to the theological community. What action if any will be taken against people holding positions similar to mine? Are all those who maintain the possibility of legitimate theological dissent from some non-infallible teaching not suitable or eligible to exercise the function of a professor of Catholic theology?

Third, academic freedom in Catholic institutions. The vast majority of leaders of Catholic higher education in the United States, including William J. Byron, the president of this university, have claimed that the ability of a church authority to intervene in the hiring, promotion and terminating of faculty is a violation of academic freedom. Such procedures in Catholic institutions, according to these educational leaders, jeopardize the very nature of a university or college. Such interventionist procedures are now possible in accord with the statutes for the ecclesiastical faculties of The Catholic University. However, the present universal law of the church already enshrines the same legislation for all Catholic institutions of higher learning. In addition, proposed legislation for Catholic institutions of higher learning spells this out in greater detail.

Before concluding, some other issues must be addressed. My colleagues have urged me to go through the process provided by the statutes of the ecclesiastical faculties if I have the physical and spiritual strength to do so. I would like to honor their request, but there are some problems that must first be clarified. I have written that the existing canonical statutes are themselves a violation of academic freedom. Also, in 1982 I wrote an official letter to the university asserting that these statutes do not apply to me since my tenured contract with the university

predates these statutes and the university cannot unilaterally add anything to my contractual obligations. Only after receiving academic and legal counsel on these points can I make a final decision about the process.

In conclusion, I am conscious of my own limitations and my own failures. I am aware of the consequences of what is involved. But I can only repeat what I wrote Cardinal Ratzinger in my final response of April 1, 1986: "In conscience at the present time I cannot and do not change the theological positions I have taken." In my own judgment and in the judgment of the majority of my peers I have been and am suitable and eligible to exercise the function of a professor of Catholic theology.

I remain convinced that the hierarchical teaching office in the Roman Catholic Church must allow dissent on these issues and ultimately should change its teaching. My conviction in this matter is supported by a number of factors. First, the overwhelming support of my theological colleagues has buoyed me personally and strengthened my own hope for the ultimate acceptance of these convictions. Second, the best and the mainstream of the Catholic theological tradition support my basic approach. According to Catholic theological tradition, the word and work of Jesus must always be made present and meaningful in the contemporary historical and cultural circumstances. The Catholic tradition also insists on the transcendence of faith and the principle that faith and reason can never contradict one another. In addition, Catholic ethics has insisted on an intrinsic morality. Something is commanded because it is good and not the other way around. Authority must conform to the truth.

Finally, some historical examples give me hope. Theologians who have been condemned have at later times been vindicated and their teachings have been accepted. The experience of the Second Vatican Council illustrates this fact.

From a personal perspective, I have been comforted and strengthened by the support of so many. I remain a loyal and committed Roman Catholic. I pray daily that I might continue to love and serve the church without bitterness and anger.

I will continue to work for the legitimacy of some theological and practical dissent, the need to change some official hierarchical church teachings, the importance of academic freedom for Catholic theology and the need for just structures to deal with the inevitable tensions that from time to time will exist between theologians and pastors. I believe these are all for the good of the Roman Catholic Church – my church.

Father Charles Curran. 20 Aug. 1986, response to CDF Decision. *Origins* 16 (1986): 205-206.

13. Letter Proposing Suspension of Teaching License, 19 December 1986.

This is to inform you that I propose to suspend you from teaching in an ecclesiastical faculty pursuant to Section V 9 of the Canonical Statutes of the Ecclesiastical Faculties of The Catholic University of America. My reasons for

proposing this action at this time are as follows.

The Sacred Congregation for the Doctrine of the Faith has declared that you are not suitable or eligible to exercise the function of a professor of Catholic theology. That judgment was agreed to by the Congregation for Catholic Education and was approved by His Holiness John Paul II on July 10, 1986. As chancellor of the university, I was advised of the decision of the Holy See, and I communicated that decision to you on August 18.

In view of the Holy See's declaration and in accordance with the canonical statutes, I have initiated the withdrawal of your canonical mission to teach in the name of the church. Pursuant to your request, the full procedural protections provided in the canonical statutes will be afforded you. Also pursuant to your request, the hearing provided for by those statutes will not take place until after your return from sabbatical in January, when you ordinarily would be scheduled to resume teaching in the department of theology.

I understand that you propose to teach courses in moral theology in the department of theology during the spring semester and that efforts through your counsel to secure your agreement to refrain from such teaching during the pendency of the proceedings have been unsuccessful. Under the circumstances, I see no alternative to suspending you from teaching in an ecclesiastical faculty pursuant to Section V 9 of the canonical statutes.

A final decision on withdrawal of your canonical mission will await the outcome of the procedures provided for by the canonical statutes. At this time, however, I am unaware of any basis to permit you to retain your canonical mission "to teach in the name of the church" when the Holy See has expressly declared that you are "not suitable nor eligible to teach Catholic theology." It is difficult to conceive of a more "serious reason" to withdraw the canonical mission, or a "more serious or pressing case" for suspension. Canonical statutes. Section V 8.1.9.1.

I hope that you will give further consideration to agreeing to refrain from teaching pending the completion of the proceedings for withdrawal of your canonical mission. If that course remains unacceptable to you, I invite you to respond in writing to my proposal that you be suspended from teaching in an ecclesiastical faculty during the pendency of the proceedings. I specifically solicit your response to the central question in this inquiry: How can you be permitted to retain your canonical mission "to teach in the name of the church" when the Holy See has expressly declared that you are "not suitable nor eligible to teach Catholic theology"?

In considering this matter, you should know that the episcopal members of the board of trustees concur with my proposed action. I will, of course, share your response to this letter with the episcopal members of the board and again seek their concurrence before proceeding to suspend you. By a copy of this letter, I am also notifying the president of the university, the dean of the School of Religious Studies and the chairman of the department of theology of the reasons for my

proposed action.

If you are suspended, or if you agree to refrain from teaching during the pendency of the proceedings, you will continue to receive full salary and benefits pursuant to Section V 9.4 of the canonical statutes.

I request that your written response be delivered to me within two weeks of the date of this letter.

Archbishop James Hickey. 19 Dec. 1986. letter to Father Curran, *Origins* 16 (1986): 569, 571.

14. **Response to Letter of Archbishop Hickey, 7 January 1987.**

I am responding to your letter of December 19, 1986, in which you state your intention to suspend me from teaching in an ecclesiastical faculty.

First, I wish to note that, contrary to the implication in your letter, neither I nor my counsel ever contemplated any agreement pursuant to which I would voluntarily refrain from teaching during the semester beginning in January 1987. All of the discussions that we had with your counsel, Dean Frankino, concerned my agreeing not to teach during the fall 1986 semester even though I was being asked to return early from my sabbatical in order to defend myself in the upcoming due process hearing. The first suggestion that I not teach in the spring semester was made in a draft stipulation proposed by Dean Frankino that was promptly (last October) rejected by my counsel. I will not repeat here the chronology of events since it is well known to both of us, except to say that none of the delays in this matter are attributable to me, as the documentary record amply demonstrates.

Second, and more importantly, I cannot agree that there is any justification whatsoever for suspending me from my teaching duties during the pendency of the upcoming hearings. To the extent that your proposed action is intended to prevent me from teaching anywhere in the department of theology, I believe that it is without any basis in the canonical statutes. Those statutes make it plain that they apply only to the “ecclesiastical faculties” of the university, and they also explicitly state that there is a “non-ecclesiastical” portion of the department of theology (i.e., the non-canonical degree programs) to which they do not apply. I am ready, willing, able, and, I believe, lawfully entitled to teach in that non-ecclesiastical portion of the department of theology.

To the extent that your proposed action is intended to prevent me from teaching in the ecclesiastical portion of the department of theology, I submit that it is unwarranted and that the timing of it is suspect.

In your letter, you assert that the sole ground for my suspension is that set forth in Cardinal Ratzinger’s letter. In that letter, Cardinal Ratzinger concluded that because of my writings I am no longer eligible or suitable to teach Catholic theology. Nowhere does he assert that I am an incompetent teacher, that I have neglected or failed in my teaching responsibilities, that my teaching would be a danger to anyone. His sole dispute with me relates to my past writings. As I have

said to you on a number of occasions, most of Cardinal Ratzinger’s difficulty with me concerns my writing in areas of sexual ethics, and I have not even taught such a course in more than a decade. Thus, if your only basis for suspending me is Cardinal Ratzinger’s letter, and if, in turn, his position is based entirely on my writings, you can have no legitimate basis for suspending me from teaching the courses officially announced for the spring 1987 semester.

My books and articles are available for anyone to read. Whatever harm you or Cardinal Ratzinger may think they have caused has already been done. Suspending me from teaching the scheduled courses will in no way affect that. Thus, it seems to me that the remedy you have chosen is not at all related to the harm that you perceive that I have caused by my writings. Instead the suspension is intended as some sort of punishment for my earlier writings and, as such, is without precedent in an American university environment.

Moreover, I take serious issue with the timing of your proposed action. If your action is based, at least derivatively, on my writings, as it appears to be, why did you wait until just before the start of the spring 1987 semester to announce it? You have known about those writings for years. During all of that time, I was permitted to teach without restraint. In fact, I was given tenure by the university well after my position on the legitimacy of public dissent from non-infallible teachings of the church was well known. Why now?

That question is especially relevant in light of the fact that within a few weeks a special committee of the academic senate, at your request, is about to begin hearings on the withdrawal of my canonical mission. Your proposed action prejudices the very issue before that committee and ultimately the board of trustees, and can only prejudice my position in their eyes.

In your letter, you invite me specifically to respond to what you call “the central question in this inquiry,” to wit, how can I be permitted to retain my canonical mission to teach “in the name of the church” when the Holy See has explicitly declared that I am “not suitable nor eligible to teach Catholic theology.” The answer is simple. I am a tenured professor in an American university governed by a specific set of binding rules and procedures and by a presumably independent board of trustees. My canonical mission has not been withdrawn and, if I am successful in my defense in the upcoming hearings, may never be withdrawn. In such a case, I will be permitted to continue my teaching activities at the university. Surely you must agree that due process means at least that much. Your proposed action, and the “central question” that you say is posed by it, simply presumes the outcome of the upcoming hearings. I am unable to share your presumption.

The suspension of a professor from teaching is the most drastic action that can be taken against a professor in the American academy short of dismissal. The three courses that I am teaching in the spring 1987 semester have all been taught by me in the past in the department of theology. If there was no problem with my teaching those courses in the past – and no one, not even Cardinal Ratzinger, has

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said that there was – there can be no objection to my teaching the same courses again, especially since those courses do not directly deal with the matters in dispute between Rome and myself.

I most respectfully urge you to reconsider.

Father Charles Cuaan. 7 Jan. 1987. response to Archbishop Hickey, *Origins* 16 (1987): 571-572.

15. Letter Suspending Father Curran from Teaching, 9 January 1987.

I have reviewed your letters of Jan. 7. Dean Cenkner's letter of Dec. 29 and Father Power's letter of Dec. 22. I have also sent copies of those letters to the episcopal members of the board of trustees for their consideration and have conferred with them once again on the question of suspension.

It remains my judgment, and the judgment of the episcopal members of the board, that you should be suspended from teaching in an ecclesiastical faculty pursuant to Section V 9 of the canonical statutes of The Catholic University of America. Those canonical statutes, which contemplate the withdrawal of the canonical mission for "most serious reasons," Section V 8. I, also provide expressly for suspension in "more serious or pressing cases." Section V 9. 1. In my judgment, and in the judgment of the episcopal members of the board, this is such a case.

The ecclesiastical faculties of The Catholic University, as you know, enjoy a special relationship with the church. They are subject to norms established by the Holy See, and those who teach disciplines concerning faith or morals in the ecclesiastical faculties are required to have a "canonical mission to teach in the name of the church." Canonical statutes, Section V 4. As the Apostolic Constitution on Ecclesiastical Universities and Faculties, *Sapientia Christiana*, makes clear, those who teach in the ecclesiastical faculties "do not teach on their own authority but by virtue of the mission they have received from the church." Article 27, Section I. Accordingly, they have a "duty to carry out their work in full communion with the authentic magisterium of the church, above all, with that of the Roman pontiff." Article 26, Section 2.

On Sept. 17, 1985, after a lengthy investigation and exchange of correspondence with you, the Sacred Congregation for the Doctrine of the Faith noted that "the positions you have maintained on various important elements of moral doctrine are in open contrast with the teaching of the magisterium." It advised you that "the authorities of the church cannot allow the present situation to continue in which the inherent contradiction is prolonged that one who is to teach in the name of the church in fact denies her teaching." You were subsequently given the opportunity to reconsider your positions, to meet with the prefect of the sacred congregation, and to submit a final reply. After you did so, the sacred congregation issued its final decision confirming its position "that one who dissents from the magisterium as you do is not suitable nor eligible to teach

Catholic theology.” This judgment of the Sacred Congregation for the Doctrine of the Faith, the highest doctrinal body in the church, was also agreed to by the Sacred Congregation for Catholic Education, which governs ecclesiastical faculties according to law. Apostolic constitution *Sapientia Christiana*, Article 5. The judgment was also approved by His Holiness John Paul II on July 10, 1986.

It was in view of this action by the Holy See that I initialed the withdrawal of your canonical mission to teach in the name of the church, and subsequently proposed your suspension pursuant to Section V 9 of the canonical statutes. In my letter of Dec. 19,¹ expressly solicited your response to this question: How can you be permitted to retain your canonical mission “to teach in the name of the church” when the Holy See has expressly declared that you are “not suitable nor eligible to teach Catholic theology”? In your response to this question, you state that your canonical mission may never be withdrawn if you are successful in your defense of the upcoming hearings. But you articulate no conceivable basis on which a decision could be reached to permit you to retain your canonical mission to teach in the name of the church, when the highest authorities of the church have expressly and finally declared that you are not suitable to teach Catholic theology. As I stated in my letter of Dec. 19. it is difficult to conceive of a more “serious reason” to withdraw the canonical mission, or a “more serious or pressing case” for suspension. Canonical statutes. Section V 8.1,9.!.¹

You have questioned the timing of my proposed action, asking why I have waited until now to propose your suspension when your disagreement with church teachings has been known for some time, and at the same time asking why I do not await the decision of the ad hoc committee. The answer to your question should be apparent. For more than seven years, this matter has been under investigation by the Sacred Congregation for the Doctrine of the Faith. It was entirely appropriate that I, as chancellor of the university, await the decision of the congregation, the highest doctrinal body in the Catholic Church, before initiating action to withdraw or suspend your canonical mission to teach in the name of the church. Now that that congregation, the Sacred Congregation for Catholic Education and the Holy Father himself have reached a final judgment that you are not suitable or eligible to teach Catholic theology, it is entirely appropriate that proceedings to withdraw your canonical mission be initiated.

It had been my hope that the proceedings to withdraw your canonical mission could be concluded before your return from sabbatical this month, and that the issue of suspension could therefore be avoided. However, it was your position at our meeting of Aug. 18 that the proceedings could not begin while you were on sabbatical leave. I acquiesced in your position at that time. On Nov. 6 your counsel informed university counsel that you would not oppose a formal request to the academic senate to establish the ad hoc committee contemplated by the canonical statutes. Accordingly, I made that request on Nov. 11. To my knowledge, however, you have not altered your position that the hearing be

deferred until after your return from sabbatical. In any event, the hearing has not taken place.

My intention is neither to interfere with the ad hoc committee’s proper function nor to prejudice your case before the committee. As I have stated, a Imai decision on withdrawal of the canonical mission will await the outcome of the full procedures provided by the canonical statutes. Under those statutes, however, the chancellor has the duty, in conjunction with the episcopal members of the board, to consider whether suspension is warranted in the interim. In this case, the very action of the Holy See that prompted the initiation of the proceedings to withdraw the canonical mission makes the case a most serious and pressing one for suspension.

In the hope that a formal suspension could be avoided, I have urged you to refrain voluntarily from teaching pending the completion of the proceedings. You have declined to do so. Accordingly, pursuant to Section V 9 of the canonical statutes of the Ecclesiastical Faculties of The Catholic University of America. I hereby suspend you from teaching in an ecclesiastical faculty pending the outcome of the proceedings to withdraw your canonical mission. Pursuant to Section V 9.4 of the canonical statutes, you will continue to receive full salary and benefits.

Archbishop James Hickey. 9 Jan. 1987, letter to Father Curran. *Origins* 16 (1987): 573-574.

16. Letter Requesting Assurance that Father Curran will not teach Theology Courses:

Archbishop James Hickey. 13 January 1987. letter. *Origins* (1987): 591.

17. Response to Archbishop Hickey’s January 13" Letter:

Father Charles Curran. 14 January 1987. response to Archbishop Hickey. *Origins* 16 (1987): 591-592.

18. Statement by Father Curran Indicating that CUA Broke his Contract:

Father Charles Curran. 17 May 1988. statement. *Origins* 18 (1988): 60-61

19. Court Decision on Curran Case:

District of Columbia Superior Court. 28 February 1989. decision. *Origins* 18 (1989): 664-672

20. Reactions to Court Ruling:

Cardinal Hickey. FatherCurran. CUA. Father John Boyle, 16 March 1989. statements. *Origins* 18 (1989): 673-674.

CANON 822

Social Communications:

John Paul II. 28 February 1986. address to journalists. *TPS* 31 (1986): 143-146.

John Paul II. 17 January 1988. address to Foreign Press Association. *TPS* 33 (1988): 234-235

John Paul II. 15 March 1990. address to Pontifical Council for Social Communications. *TPS* 35 (1990): 286-288.

CANON 823

Notification regarding work of Edward Schillebeeckx, OP, 15 September 1986. AAS 79 (1987): 221-223.

Having examined the book *Pleidooi voor mensen in de kerk. Christelijke identiteit en ambten in de kerk* by Professor Edward Schillebeeckx, OP. the Congregation for the Doctrine of the Faith judges it necessary to publish the following notification.

1. In 1979 and 1980, Professor Edward Schillebeeckx. OP. published two studies on ministry in the church: a contribution to the collective volume *Nasis en ambt* (Nelissen, Bloemendal. 1979, pp. 43-90), and then a book titled *Kerkelijk ambt* (same publisher, 1980). In these two writings he judged that he had established the “dogmatic possibility” of an “extraordinary minister” of the Eucharist, in the sense that Christian communities without priests could choose one of their number as president who would be ipso facto fully qualified to preside over the life of these communities and hence to consecrate the Eucharist in them, without however having received priestly ordination in the apostolic succession.
2. On June 13, 1984. the Congregation for the Doctrine of the Faith sent a letter lo Professor Schillebeeckx, pointing out to him that the positions on ministry developed by him in the two studies in question were not reconcilable with the teaching of the church, which had been recalled authoritatively by means of the letter *Sacerdotium Ministeriale* of Aug. 6, 1983 (cf. AAS 75:2. [1983), 1003-1009). Consequently the congregation notified Professor Schillebeeckx that his position on the extraordinary minister of the Eucharist could not be considered as an “open question” and asked him to accept publicly the doctrine of the church on this point by manifesting his personal adherence to what is contained in this document.
3. In his reply of Oct. 5, 1984. Professor Schillebeeckx announced that a new book on the question would shortly appear: he assured that nothing in it contradicted the letter *Sacerdotium Ministeriale*. Nothing in it would deal with an "extraordinary minister" of the Eucharist: and. finally in order to avoid all misunderstanding, the theme of the apostolic succession would be more fully analyzed in it.
4. When the Congregation for the Doctrine of the Faith published its own letter and the essential paragraph of this reply (cf. *L'Osservatore Romano*. [Jan. 11. 1985] p. 2), it indicated that it reserved the right to make known at a later dale its

* Editor’s Note: The book *Pleidooi voormensen in de kerk. Christelijke identiteit em amblen tn de kerk* was published in the United States under the title *The Church With a Human Face A New and Expanded Theology ofMinistry* (Crossroads) The earlier book. *Kerkehjk ambt*. was published under the title *Ministry. Leadership tn the Community ofJesus Christ* in (he United States. A British edition was titled *Ministry: A Casefor Change*.

judgment on the work which had been announced and which appeared soon afterward under the title *Pleidooi voorniens in de kerk* (Nelissen, Baarn, 1985).

5. Apropos of this book the congregation must now make the following observations regarding the question of ministry:

a) In effect, the question of the “extraordinary minister” of the Eucharist is no longer raised. But while there is no formal rejection of the letter *Sacerdotium Ministeriale*, there is likewise no declaration of adherence to it. Rather, it is made the object of a critical analysis.

b) Fundamentally it must be noted that the author continues to conceive and present the apostolicity of the church in such a way that the apostolic succession through sacramental ordination represents a non-essential element for the exercise of the ministry and thus for the bestowal of the power to consecrate the Eucharist – and this in opposition to the doctrine of the church.

c) As for the method followed in the work, in particular the appeal to historical arguments drawn from Scripture, it suffices here to recall the teaching of the dogmatic constitution *Dei Verbum* (No. 12), according to which, after employing carefully all the resources of exegesis and of history, “no less serious attention must be given to the content and unity of the whole of Scripture, if the meaning of the sacred texts is to be correctly brought to light. The living tradition of the whole church must be taken into account along with the harmony which exists between elements of the faith. It is the task of exegetes to work according to these rules toward a better understanding and explanation of the meaning of Sacred Scripture, so that through preparatory study the judgment of the church may mature. For all of what has been said about the way of interpreting Scripture is subject finally to the judgment of the church, which carries out the divine commission and ministry of guarding and interpreting the word of God.”

6. For these reasons, the Congregation for the Doctrine of the Faith is obliged to conclude that the conception of the ministry as put forward by Professor Schillebeeckx remains out of harmony with the teaching of the church on several important points. The mission of the congregation in regard to the faithful obliges it to publish this judgment.

In the course of an audience granted to the undersigned prefect, His Holiness Pope John Paul II approved this notification, which was decided upon in an ordinary meeting of the Congregation for the Doctrine of the Faith, and ordered its publication.

CDF, 15 Sept. 1986. notification regarding work by Father Schillebeeckx. AAS79(1987): 221-223; *Origins* 16 (1986): 344.

CANON 825

Bible Study:

John Paul II. 8 April 1986. address to members of the executive committee of the World Catholic Federation for the Biblical Apostolate, T'AS 31 (1986): 172-174

John Paul II. discourse to United Bible Societies. 26 October 1990 *TPS* 35 (1990): 11 1-1 12

CANON 830

Authentic Interpretation: *Nihil Obstat*, 20 June 1987. AAS 79 (1987): 1249.

D. Whether the permission which is mentioned in canon 830. §3. is to be printed in published books, indicating the name of the one giving the permission, the date and place of the grant of permission.

R. Affirmative.

Pont. Comm, for the Auth. Interp of the Code of Canon Law .4/1579(1987): 1249; *RRAO*(1990): 114.

Particular Legislation: *Censor Librorum*.

Canada:

In accordance with the prescriptions of canon 830. the Canadian Conference of Catholic Bishops hereby decrees that the approval of writings to be published remains under the authority of each local Ordinary.

However, the Conference of Bishops shall draw up a list of persons whom the local Ordinaries may consult if necessary.

This list shall be revised periodically, to correspond to developments in the ecclesiastical sciences and to the availability of persons.

This decree is effective July 1, 1988.

OD 598; 28-06-88, *SC* 22 (1988), p. 477.

CANON 831

Particular Legislation: Involvement of Clerics and Religious in Radio and Television Talks Involving Questions of Catholic Teaching and Morals.

Canada:

In accordance with the prescriptions of canon 831, §2, the Canadian

Conference of Catholic Bishops hereby decrees that the following norms are in effect for the participation of clerics and members of religious institutes in radio and television programmes which involve Catholic doctrine or morals:

1. To take part regularly in such programmes, clerics and members of religious institutes must have the authorization of their respective superior and of the Ordinary of the place where these programmes originate; the major superiors of religious shall be informed of such commitments on the part of members of their institutes;

2. The Conference of Bishops shall be informed of habitual commitments in the communications apostolate undertaken by clerics, or by religious men and women;

3. Those who take part habitually in the social communications apostolate should be adequately prepared to carry out this ministry;

4. To take part occasionally in such programmes, it is sufficient that:

- a) a cleric be authorized to preach and have the necessary competence;
- b) members of religious institutes have the authorization of their respective superior;

5. To promote better communication, and to assist professionals in this area, diocesan bishops and religious superiors shall draw up lists of persons who could be consulted by the communications media;

6. In instances which are difficult but not urgent, diocesan bishops and major superiors shall refer the matter to the Episcopal Commission for Social Communications; in urgent cases, the Ordinary of the place where the programme originates, or his delegate, shall be consulted;

7. These prescriptions apply also to the various sectors of audiovisual production.

OD no. 593; 28-03-88; *SC* 22 (1988), pp. 469 and 471.

The Gambia, Liberia, and Sierra Leone:

Clerics and members of religious institutes must be qualified in the area of Catholic doctrine or morals which they are discussing.

A national panel is to be approved by each national hierarchy, and only members of this panel may participate in organized programmes.

rrCABIC. 3(1986), p. 3.

Scotland:

The Bishops' Conference of Scotland decrees that such participation will be

regulated by the Bishops' Conference, exercising its responsibility principally through its Communications Commission which will keep this matter under constant review.

CLSGBI Newsletter. no. 69 (March 1987). p. 29.

United States of America:

Until a study is completed, the National Conference of Catholic Bishops authorizes diocesan bishops to establish guidelines for the participation of clerics and religious in radio and TV programs that deal with questions concerning Catholic teaching and morals for their own dioceses.

Editor's Note: The above entry is of historical significance only. A complementary norm for the United States of America is now in force as of January 15, 2002. See [www, nccbuscc.org/norms](http://www.nccbuscc.org/norms)

CANON 833

Profession of Faith, 1 March 1989. *AAS* 81 (1989): 104-106.

The faithful who are called to exercise an office in the name of the Church are required to make the profession of faith according to the formula approved by the Apostolic See.¹ In addition, the obligation of a special oath of fidelity with regard to the particular duties inherent in the office that is to be exercised – previously prescribed solely for bishops – has been extended to the categories named in canon 833, Nos. 5-8. As a result, it has become necessary to provide for the advance preparation of texts suitable for this purpose – updating them with a style and content more in conformity with the teaching of the Second Vatican Council and of documents that followed.

The formula of the profession of faith repeats in its entirety the first part of the text that has been in effect since 1967 and that contains the Nicene-Constantinopolitan Creed.² The second part has been modified and subdivided into three paragraphs so as to distinguish better the type of truth and the corresponding assent that is sought.

The formula of the oath of fidelity on assuming an office to be exercised in the name of the Church is understood as being complementary to the profession of faith – is enacted for those categories of the faithful listed in canon 833, 5°-8°. It is a new composition; in it provision is made for some variants in paragraphs 4 and

¹ Cf. c. 833.

² Cf. *AAS* 59 (1967), p. 1058.

5 for use by major superiors of institutes of the consecrated life and societies of apostolic life?

The texts of the new formulas of the profession of faith and of the oath of fidelity will take effect starting March 1, 1989.

Profession of Faith

(Formula to be employed henceforth in cases in which the profession of faith is required by law).

I, (name), with firm faith believe and profess everything that is contained in the symbol of faith: namely:

I believe in one God. the Father, the Almighty, maker of heaven and Earth, of all that is seen and unseen. I believe in one Lord. Jesus Christ, the only Son of God. eternally begotten of the Father, God from God, Light from Light, true God from true God. begotten, not made, one in being with the Father. Through Him all things were made. For us men and for our salvation He came down from heaven: by the power of the Holy Spirit, He was born of the Virgin Mary, and became man. For our sake He was crucified under Pontius Pilate; He suffered, died and was buried. On the third day He rose again in fulfillment of the Scriptures; He ascended into heaven and is seated at the right hand of the Father. He will come again in glory to judge the living and the dead, and His kingdom will have no end. I believe in the Holy Spirit, the Lord, the giver of life, who proceeds from the Father and the Son. With the Father and the Son He is worshiped and glorified. He has spoken through the prophets. I believe in the one holy catholic and apostolic Church. I acknowledge one baptism for the forgiveness of sins. I look for the resurrection of the dead, and the life of the world to come. Amen.

With firm faith I believe as well everything contained in God's word, written or handed down in tradition and proposed by the Church – whether in solemn judgment or in the ordinary and universal magisterium – as divinely revealed and calling for faith.

I also firmly accept and hold each and every thing that is proposed by that same Church definitively with regard to teaching concerning faith or morals.

What is more, I adhere with religious submission of will and intellect to the teachings which either the Roman Pontiff or the college of bishops enunciate when they exercise the authentic magisterium, even if they proclaim those teachings in an act that is not definitive.

¹ Cf c. 833. 8°.

Oath of Fidelity on Assuming a Church Office

(Formula to be used by the Christian faithful referred to in canon 833, 5°-8°).

I, (name), on assuming the office (name of office) promise that I shall always preserve communion with the Catholic Church whether in the words I speak or in the way I act.

With great care and fidelity I shall carry out the responsibilities by which I am bound in relation both to the universal Church and to the particular Church in which I am called to exercise my service according to the requirements of the law.

In carrying out my charge, which is committed to me in the name of the Church. I shall preserve the deposit of Faith in its entirety, hand it on faithfully and make it shine forth. As a result, whatsoever teachings are contrary I shall shun.

I shall follow and foster the common discipline of the whole Church and shall look after the observance of all ecclesiastical laws, especially those which are contained in the *Code of Canon Law*.

With Christian obedience I shall associate myself with what is expressed by the holy shepherds as authentic doctors and teachers of the faith or established by them as the Church's rulers. And I shall faithfully assist diocesan bishops so that apostolic activity, to be exercised by the mandate and in the name of the Church, is carried out in the communion of the same Church.

May God help me in this way and the holy Gospels of God which I touch with my hands.

(Variations on the fourth and fifth paragraphs of the formula of the oath, to be used by the Christian faithful referred to in canon 833, 8°).

I shall foster the common discipline of the whole Church and urge the observance of all ecclesiastical laws, especially those which are contained in the *Code of Canon Law*.

With Christian obedience I shall associate myself with what is expressed by the holy shepherds as authentic doctors and teachers of the faith or established by them as rulers of the Church. And with diocesan bishops I shall gladly devote my energy so that apostolic activity, to be exercised by the mandate and in the name of the Church, is with provision made for the character and goal of my institute – carried out in the communion of the Church.

Rescript *re* Profession of Faith, 19 September 1989. AAS 81 (1989): 104ff.

Rescript given from an audience with His Holiness containing formulas for the Profession of Faith and the Oath of Fidelity made public

With regard to the formulas of “the profession of Faith” and “the Oath of fidelity,” to which the January 9, 1989 fascicle of *the Acta Apostolicae Sedis* refers, it has been decided to publish the rescript from the Audience regarding them:

R e s c r i p t f r o m t h e A u d i e n c e w i t h H i s H o l i n e s s

In an Audience, which was granted to the within-mentioned Cardinal prefect of the Congregation for the Doctrine of the Faith on July 1, 1988, the Holy Father deigned to approve and sanction the new texts of both the formulas of “the Profession of faith” and “the Oath of Fidelity in undertaking an office to be exercised in the name of the church,” as well as the norms pertaining to them, which are contained in the explanatory note, and ordered all those things for them to be duly promulgated in the *Acta Apostolicae Sedis*. Versions of those formulas in the vernacular languages, prepared under the aegis of the conferences of bishops, will be able to be employed only after having been granted approbation by this Congregation.

In Cong. for the Doctrine of the Faith tab., n. 106/83; AAS 81 (1989): 104 ff; *Communicationis* 21 (1989): 32-34. CDF. Rescript re Profession of Faith, September 19, 1989, AAS 81 (1989): 1169. and *Communicationes* 21 (1989): 113.

BOOK IV

THE SANCTIFYING OFFICE OF THE CHURCH

Canons 834-1253

CANON 834

Apostolic Letter (*Vicesimus quintus*) On the 25th Anniversary of the Constitution on the Sacred Liturgy, 4 December 1988. AAS 81 (1989): 897-918.

Twenty-five years ago on December 4, 1963, the Supreme Pontiff Paul VI promulgated the Constitution *Sacrosanctum Concilium* on the sacred liturgy, which the fathers of the Second Vatican Council, gathered in the Holy Spirit, had approved but a short time before.¹ It was a memorable event on several accounts. Indeed, it was the first fruit of the council, called by Pope John XXIII. to update the Church. The moment had been prepared for by a great liturgical and pastoral movement, and was a source of hope for the life and the renewal of the Church.

In putting into practice the reform of the liturgy, the council achieved in a special way the fundamental aim which it had set for itself: “To impart an ever increasing vigor to the Christian life of the faithful; to adapt more suitably to the needs of our own times those institutions that are subject to change: to foster whatever can promote union among all who believe in Christ; to strengthen whatever can help to call the whole of humanity into the household of the Church.”²

2. From the beginning of my pastoral ministry in the See of Peter, I have taken care “to state the lasting importance of the Second Vatican Council.” calling attention to “our clear duty to devote our energies to putting it into effect.” Our efforts have been directed toward “bringing to maturity, in the sense of movements and of life, the fruitful seeds which the fathers of the ecumenical council, nourished with the word of God, cast upon the good soil (cf. Mt 13:8, 23) that is, their authoritative teaching and pastoral decisions.”³ On several occasions I have developed various aspects of the conciliar teaching on the liturgy⁴ and have emphasized the importance of the constitution *Sacrosanctum Concilium* for the life of the People of God: In it “the substance of that ecclesiological doctrine which would later be put before the conciliar assembly is already evident. The

¹MS56 (1964), pp. 97-134.

: Second Vatican Council, Constitution on the Sacred Liturgy *Sacrosanctum Concilium*, I.

² First message to the world (October 17, 1978): MS 70 (1978). pp. 920-921.

⁴Cf. especially: encyclical *Redemptor Hominis*, (March 4, 1979). 7. 18-22: MS 71 (1979), pp. 268-269, 301-324; apostolic exhortation *Catechesi Tradendae*. (October 16, 1979), 32. 27-30. 33. 37. 48. 53-55. 66-68: AAS 71 (1979), pp. 1296-1297. 1298-1303. 1305-1306. 1308-1309. 1316; letter *Dominicae Cena*, (February 24, 1980): MS 72 (1980), pp. 113-148; encyclical *Dives in Misericordia* (November 30, 1980), 13-15: MS 72 (1980). pp. 1218-1232; apostolic exhortation *Familiaris Consortio* (November 22, 1981), 13. 15. 19-21, 33. 38-39, 55-59, 66-68 AAS 14 (1982), pp. 93-96. 97. 101-106, 120-123, 129-131. 147-152 159-165; post-synodal apostolic exhortation *Reconciliatio et Paenitentia* (December 2, 1984) MS 77 (1985), pp. 185-275, especially nos. 23-33, pp. 233-271

constitution *Sacrosanctum Concilium*, the first conciliar document, anticipated”⁵ the dogmatic constitution *Lumen gentium* on the Church and amplified, in its turn, the teaching of the constitution.

After a quarter of a century, during which both Church and society have experienced profound and rapid changes, it is a fitting moment to throw light on the importance of the conciliar constitution, its relevance in relation to new problems and the enduring value of its principles.

I. Renewal in Accord with Tradition

3. In response to the requests of the fathers of the Council of Trent, concerned with the reform of the Church in their time, Pope Saint Pius V saw to the reform of the liturgical books, above all the breviary and the missal. It was toward this same goal that the succeeding Roman pontiffs directed their energies during the subsequent centuries in order to ensure that the rites and liturgical books were brought up to date and when necessary clarified. From the beginning of this century they undertook a more general reform.

Pope Saint Pius X established a special commission for this reform, and he thought that it would take a number of years for it to complete its work: however, he laid the foundation stone of this edifice by renewing the celebration of Sunday and by reforming the Roman breviary.⁶ “In fact this all demands,” he affirmed, “according to the views of the experts, a work both detailed and extensive; and therefore it is necessary that many years should pass before this liturgical *edifice*, so to speak, . . . reappears in new splendor in its dignity and harmony, once the marks of old age have been cleared away.”⁷

Pope Pius XII took up again the great project of liturgical reform by issuing the encyclical *Mediator Dei* and by establishing a new commission.⁹ He likewise decided important matters, for example: authorizing a new version of the Psalter to facilitate the understanding of the psalms;¹⁰ the modification of the Eucharistic fast in order to facilitate access to Holy Communion; the use of contemporary language in the ritual; and, above all, the reform of the Easter Vigil¹¹ and Holy

⁵ Address to the Congress of Presidents and Secretaries of National Liturgical Commissions (October 27, 1984), I: *Insegnamenti*, VII, 2 (1984), p. 1049.

⁶ Apostolic constitution *Divino Afflatu* (November 1, 1911): AAS 3 (1911), pp. 633-638.

⁷ *Motu proprio Abhinc Duos Annas* (October 23, 1913): AAS 5(1913), pp. 449-450.

⁸ November 20, 1947: AAS 39 (1947), pp. 521-600.

Sacred Congregation of Rites. Historical Section no. 71, *Memoria Sulla Riforma Liturgica* (1946).

¹⁰ Pius XII. *motu proprio In Cotidianis Precibus* (March 24, 1945): AAS 37 (1945), pp. 65-67.

¹¹ Sacred Congregation of Rites, decree *Dominicae Resurrectionis* (February 9, 1951): AAS 43 (1951), pp. 128-129.

Week 12

The introduction of the *Roman Missal* of 1963 was preceded by the declaration of Pope John XXIII, according to which “the fundamental principles related to the general reform of the liturgy were to be entrusted to the fathers in the forthcoming ecumenical council.”¹

4. Such an overall reform of the liturgy was in harmony with the general hope of the whole Church. In fact, the liturgical spirit had become more and more widespread, together with the desire for an “active participation in the most holy mysteries and in the public and solemn prayer of the Church,”¹⁴ and a wish to hear the word of God in more abundant measure. Together with the biblical renewal, the ecumenical movement, the missionary impetus and ecclesiological research, the reform of the liturgy was to contribute to the overall renewal of the Church. I drew attention to this in the letter *Dominicae Cenaе*: “A very close and organic *bond exists between the renewal of the liturgy, and the renewal of the whole life of the Church*. The Church not only acts, but also expresses herself in the liturgy and draws from the liturgy the strength for her life.”¹⁵

The reform of the rites and the liturgical books was undertaken immediately after the promulgation of the constitution *Sacrosanctum Concilium* and was brought to an effective conclusion in a few years, thanks to the considerable and selfless work of a large number of experts and bishops from all parts of the world.”

This work was undertaken in accordance with the conciliar principles of fidelity to tradition and openness to legitimate development,”¹⁷ and so it is possible to say that the reform of the liturgy is strictly traditional and in accordance with “the ancient usage of the holy fathers.”¹⁸

II. The Guiding Principles of the Constitution

5. The guiding principles of the constitution, which were the basis of the reform, remain fundamental in the task of leading the faithful to an active celebration of the mysteries, “the primary and indispensable source of the true Christian spirit.”¹⁹ Now that the greater part of the liturgical books have been published, translated and brought into use, it is still necessary to keep these

Ibid . decree *Maxima Redemptionis* (November 16, 1955): AAS 47 (1955). pp 838-841.
“ John XXIII. apostolic letter *Rubricarum Instructum* (July 25. 1960): AAS 52 (1960), p 594.
¹⁴ Pius X. *motu proprio Tra le Sollecitudini dell'Ufficio Pastorale* (November 22. 1903): *Pius X Pontificis Maximi Acta*. I. p. 77.
“ *Dominicae Cenaе*. \3: AAS 12, p 146
* *Sacrosanctum Concilium*. 25.
¹⁷ Cf. *ibid* . 23.
* Cf *ibid* . 50. *Roman Missal*. Preface. 6.
¹⁹ *Sacrosanctum Concilium*. 14

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principles in mind and to build upon them.

A. The Re-enactment of the Paschal Mystery

6. The first principle is the re-enactment of the Paschal Mystery of Christ in the liturgy of the Church based on the fact that “it was from the side of Christ as He slept upon the cross that there issued forth the sublime sacrament of the whole Church.” The whole of liturgical life gravitates about the Eucharistic Sacrifice and the other sacraments, in which we draw upon the living springs of salvation (cf. Is 12:3).²⁰ Hence we must have a sufficient awareness that through the “Paschal Mystery we have been buried with Christ in Baptism so that we may rise with Him to a new life.”²¹ When the faithful participate in the Eucharist, they must understand that truly “each time we offer this memorial sacrifice, the work of our redemption is accomplished.”²³ To this end, bishops must carefully train the faithful to celebrate every Sunday the marvelous work that Christ has wrought in the mystery of His Passover, in order that they likewise may proclaim it to the world.³ In the hearts of all, bishops and faithful, Easter must regain its unique importance in the liturgical year, so that it really is the feast of feasts.

Since Christ’s death on the cross and His resurrection constitute the content of the daily life of the Church³⁴ and the pledge of His eternal Passover,³ the liturgy has as its first task to lead us untiringly back to the Easter pilgrimage initiated by Christ, in which we accept death in order to enter into life.

7. In order to re-enact His Paschal Mystery, Christ is ever present in His Church, especially in liturgical celebrations.²⁶ Hence the liturgy is the privileged place for the encounter of Christians with God and the One whom He has sent, Jesus Christ (cf. Jn 17:3).

Christ is present in the Church assembled at prayer in His name. It is this fact which gives such a unique character to the Christian assembly, with the consequent duties not only of brotherly welcome but also of forgiveness (cf. Mt 5:23-24), and of dignity in behavior, gesture and song.

Christ is present and acts in the person of the ordained minister who celebrates.³ The priest is not merely entrusted with a function, but in virtue of the

²⁰ *Sacrosanctum Concilium*, 5-6. 47.61, 102, 106-107.

^{*1} *Roman Missal*, Easter Vigil: Renewal of Baptismal Promises.

Ibid., Evening Mass *in cena Domini*, prayer over the gifts.

²² Cf. *ibid.*, Preface of Sundays in Ordinary Time. I.

²⁴ *Redemptor Hominis*, 7: AAS 71. pp. 268-270.

Cf. *Dominicae Cena*. 4: AAS 72. p. 119-121

^{y1} Cf. *Sacrosanctum Concilium*, 7; cf. Paul VI. encyclical *Mysterium Fidei* (September 3, 1965) AAS 57(1965). pp. 762.764.

¹ Cf. Sacred Congregation of Rites, instruction *Eucharistic ion Mysterium*, 9: AAS 59 (1967), p. 547.

ordination received he has been consecrated to act "*in persona Christi*" To this consecration there must be a corresponding disposition, both inward and outward, also reflected in liturgical vestments, in the place which he occupies and in the word which he utters.

Christ is present in His word as proclaimed in the assembly and which, commented upon in the homily, is to be listened to in faith and assimilated in prayer. All this must derive from the dignity of the book and of the place appointed for the proclamation of the word of God and from the attitude of the reader, based upon an awareness of the fact that the reader is the spokesman of God before his or her brothers and sisters.

Christ is present and acts by the power of the Holy Spirit in the sacraments and, in a special and pre-eminent fashion (*sublimiori modo* – in a more sublime way), in the sacrifice of the Mass under the Eucharistic Species,^{2*} also when these are reserved in the tabernacle apart from the celebration with a view to Communion of the sick and adoration by the faithful.²⁹ With regard to this real and mysterious presence, it is the duty of pastors to recall frequently in their catechetical instructions the teaching of the Faith, a teaching that the faithful must live out and that theologians are called upon to expound. Faith in this presence of the Lord involves an outward sign of respect toward the Church, the holy place in which God manifests himself in mystery (cf. Ex 3:5), especially during the celebration of the sacraments: Holy things must always be treated in a holy manner.

B. The Reading of the Word of God

8. The second principle is the presence of the word of God.

The constitution *Sacrosanctum Concilium* sets out likewise to restore a "more abundant reading from Holy Scripture, one more varied and more appropriate." The basic reason for this restoration is expressed both in the Constitution on the Liturgy, namely, so that "the intimate link between rite and word" may be manifested,¹¹ and also in the Dogmatic Constitution on Divine Revelation, which teaches: "The Church has always venerated the divine Scriptures, just as she has venerated the very body of the Lord, never ceasing above all in the sacred liturgy to nourish herself on the bread of life at the table both of the word of God, and of the body of Christ, and to minister it to the faithful."¹² Growth in liturgical life and consequently progress in Christian life cannot be achieved except by continually

Cf. *Mysterium Fidei*: AAS 57 (1965). p. 763

¹¹ Cf. *ibid.*, pp. 769-771.

¹² *Sacrosanctum Concilium*. 35.

¹³ *Ibid.*

¹⁴ Second Vatican Council. Constitution on Divine Revelation *Dei Verbum*. 21

promoting among the faithful, and above all among priests, a “warm and living knowledge of Scripture.”” The word of God is now better known in the Christian communities, but a true renewal sets further and ever new requirements: fidelity to the authentic meaning of the Scriptures, which must never be lost from view, especially when the Scriptures are translated into different languages; the manner of proclaiming the word of God so that it may be perceived for what it is; the use of appropriate technical means; the interior disposition of the ministers of the word so that they carry out properly their function in the liturgical assembly;⁵⁴ careful preparation of the homily through study and meditation; effort on the part of the faithful to participate at the table of the word; a taste for prayer with the psalms; a desire to discover Christ – like the disciples at Emmaus – at the table of the word and the bread.⁵⁵

C. The Self-Manifestation of the Church

9. Finally, the council saw in the liturgy an epiphany of the Church: It is the Church at prayer. In celebrating divine worship the Church gives expression to what she is: one, holy, catholic and apostolic.

The Church manifests herself as *one*, with that unity which comes to her from the Trinity.⁵⁶ especially when the holy People of God participates “in the one Eucharist, in one and the same prayer, at the one altar, presided over by the bishop surrounded by his presbyterate and his ministers.”⁵⁷ Let nothing disrupt or obscure in the celebration of the liturgy this unity of the Church!

The Church expresses the *holiness* that comes to her from Christ (cf. Eph 5:26-27) when, gathered in one body by the Holy Spirit,⁵⁸ who makes holy and gives life,” she communicates to the faithful by means of the Eucharist and the other sacraments all the graces and blessings of the Father.⁴¹

In liturgical celebration the Church expresses her *catholicity*, since in her the Spirit of the Lord gathers together people of all languages in the profession of the same Faith,⁴¹ and from East and West presents to God the Father the offering of

⁵⁵ *Sacrosanctum Concilium*, 24.

⁵⁴ Cf. *Dominicae Cena*, 10: AAS 72, pp. 134-137.

⁵⁷ Cf. Liturgy of the Hours. Monday of Week IV, Prayer at Evening Prayer.

⁵⁶ Cf. *Ronuin Missal*. Preface of Sundays in Ordinary Time. VIII

⁵⁷ *Sacrosanctum Concilium*. 41.

⁵⁸ Cf. *Roman Missal*. Eucharistic Prayers II and IV

⁵⁹ Cf. *ibid.*, Eucharistic Prayer III; Niccne-Constantinopolitan Creed

⁴⁰ Cf. *ibid.*, Eucharistic Prayer I.

⁴¹ Cf. *ibid.*, Solemn Blessing on Pentecost Sunday.

Christ and offers herself together with Him.⁴²

In the liturgy the Church manifests herself as *apostolic*, because the Faith that she professes is founded upon the witness of the apostles; because in the celebration of the mysteries, presided over by the bishop, successor of the apostles, or by a minister ordained in the apostolic succession, she faithfully hands on what she has received from the apostolic Tradition; and because the worship which she renders to God commits her to the mission of spreading the Gospel in the world.

Thus it is especially in the liturgy that the mystery of the Church is proclaimed, experienced and lived.⁴⁵

III. Guidelines for the Renewal of Liturgical Life

10. From these principles are derived certain norms and guidelines which must govern the renewal of liturgical life. While the reform of the liturgy desired by the Second Vatican Council can be considered already in progress, the pastoral promotion of the liturgy constitutes a permanent commitment to draw ever more abundantly from the riches of the liturgy that vital force which spreads from Christ to the members of His Body, which is the church.

Since the liturgy is the exercise of the priesthood of Christ, it is necessary to keep ever alive the affirmation of the disciple faced with the mysterious presence of Christ: “It is the Lord!” (Jn 21:7). Nothing of what we do in the liturgy can appear more important than what in an unseen but real manner Christ accomplishes by the power of His Spirit. A faith alive in charity, adoration, praise of the Father and silent contemplation will always be the prime objective of liturgical and sacramental pastoral care.

Since the liturgy is totally permeated by the word of God. any other word must be in harmony with it, above all in the homily but also in the various interventions of the minister and in the hymns which are sung. No other reading may supplant the biblical word, and the words of men must be al the service of the word of God without obscuring it.

Since liturgical celebrations are not private acts but “celebrations of the Church, the ‘sacrament of unity’,”⁴⁴ their regulation is dependent solely upon the hierarchical authority of the Church.⁴⁵ The liturgy belongs to the whole body of the Church.⁴⁶ It is for this reason that it is not permitted to anyone, even the priest, or

⁴² Cf. *ibid.*, Eucharistic Prayer III.

⁴³ Cf. Address to the Congress of Presidents and Secretaries of National Liturgical Commissions (October 27, 1984). I: *Insignamenti*. VII, 2(1984). p. 1049.

⁴⁴ *Sacrosanctum Concilium*. 26.

⁴⁵ Cf. *ibid.*, 22 and 16.

⁴⁶ Cf. *ibid.*, 26.

any group, to add, subtract or change anything whatsoever on their own initiative.⁴¹ Fidelity to the rites and to the authentic texts of the liturgy is a requirement of the *lex orandi* (spoken word), which must always be in conformity with the *lex credendi* (word of belief). A lack of fidelity on this point may even affect the very validity of the sacraments.

Since it is a celebration of the Church, liturgy requires the active, conscious and full participation of all, according to the diversity of orders and of office.⁴² All, the ministers and the other faithful, in the accomplishment of their particular function, do that and only that which is proper to them.⁴³ It is for this reason that the Church gives preference to celebrations in common, when the nature of the rites implies this;⁴⁴ she encourages the formation of ministers, readers, cantors and commentators, who carry out a true liturgical ministry;⁴⁵ she has restored concélébration/⁴⁶ and she recommends the common celebration of the Liturgy of the Hours.⁴⁷

Given that the liturgy is the school of the prayer of the Church, it has been considered good to introduce and develop the use of the vernacular, diminishing the use of Latin, retained by the council for the Latin rite, so that every individual can understand and proclaim in his or her mother tongue the wonders of God (cf. Acts 2:11). It has likewise been considered good to increase the number of prefaces and Eucharistic prayers, so as to enrich the Church's treasury of prayer and an understanding of the mystery of Christ.

Since the liturgy has great pastoral value, the liturgical books have provided for a certain degree of adaptation to the assembly and to individuals, with the possibility of openness to the traditions and culture of different peoples.⁴⁸ The revision of the rites has sought a noble simplicity⁴⁹ and signs that are easily understood, but the desired simplicity must not degenerate into an impoverishment of the signs. On the contrary, the signs, above all the sacramental signs, must be easily grasped but carry the greatest possible expressiveness. Bread and wine, water and oil, and also incense, ashes, fire and Flowers, and indeed almost all the elements of creation have their place in the liturgy as gifts to the Creator and as a

⁴¹ Cf. *ibid.*, 22.

⁴⁴ Cf. *ibid.*, 26.

⁴⁹ Cf. *ibid.*, 28.

^w Cf. *ibid.*, 27.

[”] Cf. *ibid.*, 29.

^{Cf.} *ibid.*, 57, cl. Sacred Congregation of Rites, general decree *Ecclesiae Semper* (March 7, 1965) AAS 57(1965), pp. 410-412.

[”] *Sacrosanctum Concilium*, 99.

⁵⁴ Cf. *ibid.*, 36.

⁵⁵ Cf. *ibid.*, 37-40.

⁵⁶ Cf. *ibid.*, 34.

contribution to the dignity and beauty of the celebration.

IV. The Practical Application of the Reform

A. Difficulties

11. It must be recognized that the application of the liturgical reform has met with difficulties. These difficulties are due especially to an unfavorable environment marked by a tendency to see religious practice as something of a private affair, by a certain rejection of institutions, by a decrease in the visibility of the Church in society and by a calling into question of personal faith. It can also be supposed that the transition from simply being present, very often in a rather passive and silent way, to a fuller and more active participation has been for some people too demanding. Different and even contradictory reactions to the reform have resulted from this. Some have received the new books with a certain indifference, or without trying to understand or help others to understand the reasons for the changes; others, unfortunately have turned back in a one-sided and exclusive way to the previous liturgical forms, which some of them consider to be the sole guarantee of certainty in faith. Others have promoted outlandish innovations, departing from the norms issued by the authority of the Apostolic See or the bishops, thus disrupting the unity of the Church and the piety of the faithful, and even on occasion contradicting matters of faith.

B. Positive Results

12. This should not lead anyone to forget that the vast majority of the pastors and the Christian people have accepted the liturgical reform in a spirit of obedience and indeed joyful fervor.

For this we should give thanks to God for that movement of the Holy Spirit in the Church which the liturgical renewal represents/⁷ for the fact that the table of the word of God is now abundantly furnished for all/⁸ for the immense effort undertaken throughout the world to provide the Christian people with translations of the Bible, the missal and other liturgical books; for the increased participation of the faithful by prayer and song, gesture and silence, in the Eucharist and the other sacraments; for the ministries exercised by lay people and the responsibilities that they have assumed in virtue of the common priesthood into which they have been initiated through Baptism and Confirmation; for the radiant vitality of so many Christian communities, a vitality drawn from the wellspring of the liturgy.

⁵⁷ Cf. *ibid.*, 43.

[”] *Dei Verbum*, 21 ; *Sacrosanctum Concilium*, 51

These are all reasons for holding fast to (he teaching of the constitution *Sacrosanctum Concilium* and lo the reforms which it has made possible: “The liturgical renewal is the most visible fruit of the whole work of the council.”⁵⁹ For many people the message of the Second Vatican Council has been experienced principally through the liturgical reform.

C. Erroneous Applications

13. Side by side with these benefits of the liturgical reform, one has to acknowledge with regret deviations of greater or lesser seriousness in its application.

On occasion there have been noted illicit omissions or additions, rites invented outside the framework of established norms; postures or song which are not conducive to faith or to a sense of the sacred; abuses in the practice of general absolution; confusion between the ministerial priesthood, linked with Ordination, and the common priesthood of the faithful, which has its foundation in Baptism.

It cannot be tolerated that certain priests should take upon themselves the right to compose Eucharistic prayers or to substitute profane readings for texts from Sacred Scripture. Initiatives of this sort, far from being linked with the liturgical reform as such or with the books which have issued from it, are in direct contradiction to it, disfigure it and deprive the Christian people of the genuine treasures of the liturgy of the Church.

It is for the bishops lo root out such abuses, because the regulation of the liturgy depends on the bishop within the limits of the law⁶⁰ and because “the life in Christ of His faithful people in some sense is derived from and depends upon Him.”⁶¹

V. The Future of the Renewal

14. The constitution *Sacrosanctum Concilium* is the expression of the unanimous voice of the college of bishops gathered around the successor of Peter and with the help of the Spirit of truth promised by the Lord Jesus (cf. Jn 15:26). The constitution continues to sustain the Church along the paths of renewal and of holiness by fostering genuine liturgical life.

The principles enunciated in that document are an orientation also for the future of the liturgy, in such a way that the liturgical reform may be ever better understood and implemented. “It is therefore necessary and urgent lo actuate a new and

Final report of (he extraordinary assembly of the Synod of Bishops (December 7, 1986), II. B. b. I.
⁶⁰ *Sacrosanctum Concilium*, 22. I.

⁶¹ *Ibid* . 41.

intensive education in order to discover all the richness contained in the liturgy."⁴⁵

The liturgy of the Church goes beyond the liturgical reform. We are not in the same situation as we were in 1963: A generation of priests and of faithful which has not known the liturgical books prior to the reform now acts with responsibility in the Church and society. One cannot therefore continue to speak of change as it was spoken of at the time of the constitution's publication; rather one has to speak of an ever deeper grasp of the liturgy of the Church, celebrated according to the current books and lived above all as a reality in the spiritual order.

A. Biblical and Liturgical Formation

15. The most urgent task is that of the biblical and liturgical formation of the People of God, both pastors and faithful. The constitution had already stressed this: "There is no hope that this may come to pass unless pastors of souls themselves become imbued more deeply with the spirit and power of the liturgy so as to become masters of it."⁴⁶ This is a long-term program, which must begin in the seminaries and houses of formation⁴⁷ and continue throughout their priestly life.⁴⁸ A formation suited to their state is indispensable also for lay people/ especially since in many regions they are called upon to assume ever more important responsibilities in the community.

B. Adaptation

16. Another important task for the future is that of the adaptation of the liturgy to different cultures. The constitution set forth the principle, indicating the procedure to be followed by the episcopal conferences.⁴⁹ The adaptation of languages has been rapidly accomplished, even if on occasion with some difficulties. It has been followed by the adaptation of rites, which is a more delicate matter but equally necessary. There remains the considerable task of continuing to implant the liturgy in certain cultures, welcoming from them those expressions which are compatible with aspects *of the true and authentic spirit of the liturgy*, in respect for the *substantial unity of the Roman rite* as expressed in the

⁴⁵ *Dominicae Cenaе*: AAS 72, p. 133.

⁴⁶ *Sacrosanctum Concilium*, 14.

⁴⁷ Cf. Sacred Congregation of Rites, instruction *Inter Oecumenici* (September 26, 1964), I 1-13 AAS 56 (1964), pp. 879-880; Congregation for Catholic Education, *Ratio Fundamentalis* on priestly formation (January 6, 1970), chap. VIII: AAS 62 (1970), pp. 351-361; instruction *In Ecclesiasticam Futurorum* on liturgical formation in seminaries (June 3, 1979), *Book*, 1979.

⁴⁸ Cf. *Inter Oecumenici*, 14-17: AAS 56, pp. 880-881.

⁴⁹ *Sacrosanctum Concilium*, 19.

⁵⁰ Cf. *ibid.*, 39.

liturgical books.⁶⁸ The adaptation must take account of the fact that in the liturgy, and notably that of the sacraments, there is a *part which is unchangeable* because it is of divine institution, and of which the Church is the guardian. There are also *parts open to change*, which the Church has the power and on occasion also the duty to adapt to the cultures of recently evangelized peoples.⁶⁹

This is not a new problem for the Church. Liturgical diversity can be a source of enrichment, but it can also provoke tensions, mutual misunderstandings and even divisions. In this field it is clear that diversity must not damage unity. It can only gain expression in fidelity to the common Faith, to the sacramental signs that the Church has received from Christ and to hierarchical communion.

Cultural adaptation also requires conversion of heart and even, where necessary, a breaking with ancestral customs incompatible with the Catholic Faith. This demands a serious formation in theology, history and culture, as well as sound judgment in discerning what is necessary or useful and what is not useful or even dangerous to faith. "A satisfactory development in this area cannot but be the fruit of a progressive maturing in faith, one which encompasses spiritual discernment, theological lucidity, and a sense of the universal Church acting in broad harmony."⁷¹

C. Attention to New Problems

17. The effort toward liturgical renewal must furthermore respond to the needs of our time. The liturgy is not disincarnate.⁷¹ In these twenty-five years new problems have arisen or have assumed new importance. For example: the exercise of a diaconate open to married men; liturgical tasks in celebrations which can be entrusted to lay people; liturgical celebrations for children, for young people and the handicapped; and the procedures for the composition of liturgical texts appropriate to a particular country.

In the constitution *Sacrosanctum Concilium* there is no reference to these problems, but the general principles are given which serve to coordinate and promote liturgical life. **M**

M Cf. *ibid.*, 37-40.

⁶⁹ Cf. *ibid.*, 21.

⁷¹ Address to a group of bishops from the episcopal conference of Zaire (April 12 1983) 5 AAS75 (1983). p. 620.

⁷¹ Cf. Address to the Congress of Presidents and Secretaries of National Liturgical Commissions (October 27, 1984). 2: *Insegnamenti*, VII, 2 (1984), p. 1051.

D. Liturgy and Popular Devotions

18. Finally, to safeguard the reform and ensure the promotion of the liturgy ² it is necessary to take account of popular Christian devotion and its relation to liturgical life.⁷ This popular devotion should not be ignored or treated with indifference or contempt, since it is rich in values,⁷¹ and perse gives expression to the religious altitude toward God. But it needs to be continually evangelized, so that the faith which it expresses may become an ever more mature and authentic act. Both the pious exercises of the Christian people' and also other forms of devotion are welcomed and encouraged, provided that they do not replace or intrude into liturgical celebrations. An authentic pastoral promotion of the liturgy- will build upon the riches of popular piety purifying and directing them toward the liturgy as the offering of the peoples.⁷²

VI. The Organisms Responsible for Liturgical Renewal

A. The Congregation for Divine Worship and the Discipline of the Sacraments

19. The task of promoting the renewal of the liturgy pertains in the First place to the Apostolic See.⁷ It was four hundred years ago that Pope Sixtus V created the Sacred Congregation of Rites and entrusted it with responsibility for keeping watch over the exercise of divine worship, reformed after the Council of Trent. Pope St. Pius X instituted another Congregation for the Discipline of the Sacraments. With a view to the practical implementation of the Second Vatican Council's Constitution on the Liturgy, Pope Paul VI instituted a *consilium*. ' later the Sacred Congregation for Divine Worship,⁷ and they carried out the task entrusted lo them with generosity, competence and promptness. In accordance with the new structure of the Roman Curia, as laid down by the apostolic constitution *Pastor Bonus*, the whole area of sacred liturgy is brought together and placed under the responsibility of a single dicastery: the Congregation for Dix inc Worship and the Discipline of the Sacraments. .Always taking into account the area of

⁷² *Sacrosanctum Concilium*. 1

"Cf. *ibid.*. 12-13.

⁴ Cf. Paul VI, apostolic exhortation *Evangelii Nuntiandi* (December 8. 1975). 48: AAS 68 (1976). pp 37-38

⁷ *Sacrosanctum Concilium*, 13.

¹ Cf. Address to the episcopal conference of Abruzzo and Molise on *ad limina* visit (April 24. 1986). 3-7: AAS 78 (1986). pp 1140-1143.

Sacrosanctum Com ilium. 22. 1.

⁷ Apostolic letter *Sacram Liturgiam* (January 25. 1964); AAS 56 (1964). pp. 139-144.

Apostolic constitution *Sacra Rituum Congregatio* (May 8. 1969) AAS 61 (1969). pp 297-305

competence of the Congregation for the Doctrine of the Faith,⁸⁰ it pertains to this congregation to regulate and promote the liturgy, of which the sacraments are the essential part, by encouraging pastoral liturgical activities,⁸¹ supporting the various organisms devoted to the liturgical apostolate, music, song and sacred art,⁸² and keeping watch over sacramental discipline.⁸³ This is a work of importance, for it concerns above all the faithful preservation of the great principles of the Catholic liturgy as illustrated and developed in the conciliar constitution. It is likewise a question of drawing upon these principles for inspiration in promoting and deepening throughout the Church the renewal of liturgical life.

The congregation will assist diocesan bishops in their efforts to offer to God true Christian worship and to regulate it according to the precepts of the Lord and the laws of the Church.⁸⁴ It will be in close and trusting contact with the episcopal conferences for all that pertains to their competence in the liturgical field.⁸⁵

B. The Episcopal Conferences

20. The episcopal conferences have had the weighty responsibility of preparing the translations of their liturgical books.⁸⁶ Immediate need occasionally led to the use of provisional translations, approved *ad interim*. But now the time has come to reflect upon certain difficulties that have subsequently emerged, to remedy certain defects or inaccuracies, to complete partial translations, to compose or approve chants to be used in the liturgy, to ensure respect for the texts approved, and last to publish liturgical books in a form that both testifies to the stability achieved and is worthy of the mysteries being celebrated.

For the work of translation, as well as for the wider implications of liturgical renewal for whole countries, each episcopal conference was required to establish a national commission and ensure the collaboration of experts in the various sectors of liturgical science and pastoral practice.⁸⁷ The time has come to evaluate this commission, its past activity, both the positive and negative aspects, and the guidelines and the help which it has received from the episcopal conference regarding its composition and activity. The role of this commission is much more delicate when the conference wishes to introduce certain measures of adaptation

Apostolic constitution *Pastor Bonus* (June 28, 1988). 62: AAS 80 (1988). p. 876.

“ Cf. *ibid.*, 64: l.c., pp. 876-877.

Cf. *ibid.*, 65: l.c., p. 877.

* Cf. *ibid.*, 63 and 66: l.c., pp. 876 and 877.

M Cf. Dogmatic Constitution on the Church *Lumen gentium*, 26; *Sacrosanctum Concilium*, 22. 1

M Cf. *Pastor Bonus*, 64, 3: l.c., p. 877.

Sacrosanctum Concilium, 36 and 63.

* Cf. *ibid.*, 44.

or inculturation/" This is one more reason for making sure that the commission contains people who are truly competent.

C. The Diocesan Bishop

21. In every diocese the bishop is the principal dispenser of the mysteries of God, and likewise the governor, promoter and guardian of the entire liturgical life of the Church entrusted to him.⁸⁹ When the bishop celebrates in the midst of his people, it is the very mystery of the Church which is manifested. Therefore it is necessary that the bishop should be strongly convinced of the importance of such celebrations for the Christian life of his faithful. Such celebrations should be models for the whole diocese.⁹⁰ Much still remains to be done to help priests and the faithful to grasp the meaning of the liturgical rites and texts, to develop the dignity and beauty of celebrations and the places where they are held, and to promote, as the fathers did, a “mystagogic catechesis” of the sacraments. In order to bring this task to a successful conclusion, the bishop should set up one or more diocesan commissions which will help to promote liturgical activity, music and sacred art in his diocese.⁹¹ The diocesan commission, for its part, will act according to the mind and directives of the bishop and should be able to count upon his authority and his encouragement to carry out its particular task properly.

Conclusion

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22. The liturgy does not exhaust the entire activity of the Church, as the constitution *Sacrosanctum Concilium* pointed out.⁹² It is, however, a source and summit of her activity.⁹³ It is a source because, above all from the sacraments, the faithful draw abundantly the water of grace which flows from the side of the crucified Christ. To use an image dear to Pope John XXIII, it is like the village fountain to which every generation comes to draw water ever living and fresh. It is also a summit, both because all the activity of the Church is directed toward the communion of life with Christ and because it is in the liturgy that the Church manifests and communicates to the faithful the work of salvation, accomplished once and for all by Christ.

23. The time has come to renew that spirit which inspired the Church at the

⁸⁸Cf. *ibid.* 40.

Cf. Second Vatican Council. Decree on the Bishops' Office in the Church *Christus Dominus*, 15.

⁸⁹Cf. address to Italian bishops attending a course on liturgical renewal (February 12, 1988), 1 *OR.* (February 13, 1988), p. 4.

⁹⁰*Sacrosanctum Concilium*, 45-46.

⁹¹Cf. *ibid.*, 9.

⁹²Cf. *ibid.*, 10.

moment when the constitution *Sacrosanctum Concilium* was prepared, discussed, voted upon and promulgated and when the first steps were taken to apply it. The seed was sown: It has known the rigors of winter, but the seed has sprouted and become a tree. It is a matter of the organic growth of a tree becoming ever stronger the deeper it sinks its roots into the soil of tradition.⁹⁴ I wish to recall what I said at the Congress of Liturgical Commissions in 1984: In the work of liturgical renewal, desired by the council, it is necessary to keep in mind “with great balance, the part of God and the part of man, the hierarchy and the faithful, tradition and progress, the law and adaptation, the individual and the community, silence and choral praise. Thus the liturgy on earth will fuse with that of heaven, where... it will form one choir... to praise with one voice the Father through Jesus Christ.

With this confident hope, which in my heart becomes a prayer, I impart to all my Apostolic Blessing. Given at the Vatican, on the fourth day of December in the year 1988, the 11th of my pontificate.

John Paul II. 4 December 1988. ap. letter *On the 25th Anniversary of The Constitution on the Sacred Liturgy*, *TPS* 34: 221-232; *Origins* 19(1989): 17. 19-25.

Liturgy:

John Paul II. 22 May 1987. address to Cong, for Div. Worship. *TPS* 32: 290-293; *Origins* 17 (1987): 127-128.

CANON 838

Mandatory Use of *Texto unico*, 11 November 1986. NCCB.

On November 11, 1986, the National Conference of Catholic Bishops approved the common (“*texto unico*”) Spanish translation of the Order of Mass, fourteen Eucharistic prayers (including the fivefold “Swiss Synod” prayer), and several recent additions to the *Roman Missal*. This decision was confirmed by the Apostolic See by decree of the Congregation for Divine Worship (Prot. N. 899/87) on July 16, 1987. Subsequently a mandatory effective date for the use of this new translation was established for the dioceses of the United States of America: the First Sunday of Advent, December 3, 1989.

The publishers of missalettes and other participation aids have been notified of this decision and have incorporated the new texts for the Order of Mass into their issues for Advent 1989. In December 1989 The Catholic Book Publishing Company will publish an edition of the new Spanish version of the Order of Mass

⁴ Cf. *ibid.* 23.

⁵ Address to the Congress of Presidents and Secretaries of National Liturgical Commissions (October 27, 1984). 6: *Insegnamenti*. VII. 2 (1984), p. 1054.

and Eucharistic prayers for use until the new Spanish edition of the *Sacramentary* (*Sacramentario*) for the dioceses of the United States is published in the fall of 1990.

The "*texto unico*" of the Order of Mass provides a greater variety of optional texts for the greetings, penitential rites, invitations to the Lord's Prayer, etc., than had been previously available in Spanish. Those familiar with the English version of the *Roman Missal* (*Sacramentary*) are already aware of such a variety. The texts of the congregation remain basically the same. However, there will be some minor changes in the wording of the Gloria, Creed, and Lord's Prayer to which the congregation may take a few weeks to become accustomed.

The Bishops' Committee on the Liturgy is pleased that the Spanish-speaking Catholics of the States will now have a translation of the Order of Mass which is common to all Spanish speaking countries, and next year will have a Spanish version of the *Sacramentary* which has been prepared and published specifically for their use.

Pastors of parishes where Spanish is used in the celebration of the Mass should provide the catechesis necessary for a fruitful reception of the new texts by their congregations well in advance of the First Sunday of Advent (December 3, 1989). The introduction of the new Spanish translation of the Order of Mass is an ideal opportunity for catechesis on the Mass as a whole, and not merely on the new texts, and for encouraging the full and active participation of the congregation in the liturgy as desired by the Second Vatican Council.

NCCB Committee on the Liturgy. Press Release regarding mandatory use of *Textu unico*, *BCL Newsletter* 25 (October/November 1989): 37-38.

Rubrics on Sprinkling with Holy Water and Incensation. *Notitiae* 24 (1988): 476.

D: How are the rubrics of the Missal concerning sprinkling with holy water and incensation to be understood? Since these actions are optional (*ad libitum*), is there not an inclination to interpret that which is optional as exceptional or superfluous?

R: In regard to the sprinkling with holy water, the Missal maintains it as optional for all Sunday Masses, and no longer as in the past only for use at the principal Mass. The sprinkling takes the place of the penitential rite.

In regard to incensation, the General Instruction of the *Roman Missal* states: "The use of incense is optional in any form of Mass" (no. 235). The phrase ought to be understood in its entirety: *optional* signifies that incensation is not obligatory, but *in any form of Mass* means that incensation is not reserved to that which in the past was called the "solemn Mass" with a deacon and subdeacon.

The optional aspect of sprinkling and incensation is, therefore, not to be understood as restrictive, but goes together with an enlargement of the possibilities

offered for the use of these symbolic actions.

After a period marked by an inflation of the word to the detriment of signs, it is good to rediscover the importance of symbolic actions in the liturgy. The *Ceremonial of Bishops* can be a guide in this sense (see *Ceremonial of Bishops*, ch. 3, "The Cathedral Church;" for incensation, see nos. 89-98; for sprinkling, see nos. 110-114).

CDW, clarification on sprinkling and incensation. *Notitiae* 24 (July 1988): 476; *BCL Newsletter* 24 (November 1988): 44.

Criteria for Inclusive Language Translations, 15 November 1990. NCCB.

Origins and Nature of the Problem

1. Five historical developments have converged to present the church in the United States today with an important and challenging pastoral concern. First, the introduction of the vernacular into the church's worship has necessitated English translations of the liturgical books and of sacred Scripture for use in the liturgy. Second, some segments of American culture have become increasingly sensitive to "exclusive language," i.e., language which seems to exclude the equality and dignity of each person regardless of race, gender, creed, age or ability.¹ Third, there has been a noticeable loss of the sense of grammatical gender in American usage of the English language. Fourth, English vocabulary itself has changed so that words which once referred to all human beings are increasingly taken as gender specific and, consequently, exclusive. Fifth, impromptu efforts at inclusive language, while pleasing to some, have often offended others who expect a degree of theological precision and linguistic or aesthetic refinement in the public discourse of the liturgy. Some impromptu efforts may also have unwittingly undermined essentials of Catholic doctrine.

These current issues confront a fundamental conviction of the church, namely, that the word of God stands at the core of our faith as a basic theological reality to which all human efforts respond and by which they are judged.

2. The bishops of the United States wish to respond to this complex and sensitive issue of language in the English translation of the liturgical books of the church in general and of sacred Scripture in particular. New translations of scriptural passages used in the liturgy are being proposed periodically for their approval. Since the promulgation of the 1983 *Code of Canon Law*, these translations must be approved by a conference of bishops or by the Apostolic See/

¹ Cf. Bishop Members of the Pastoral Team, Canadian Conference of Catholic Bishops. *To Speak as a Christian Community* (August 16, 1989), p. 2.

² *Code of Canon Law*, c. 825, § I.

The question confronts the bishops: With regard to a concern for inclusive language, how do we distinguish a legitimate translation from one that is imprecise?

3. The recognition of this problem prompted the submission of a *vanum* to the National Conference of Catholic Bishops requesting that the bishops' Committee on the Liturgy and the Committee on Doctrine be directed jointly to formulate guidelines which would assist the bishops in making appropriate judgments on the inclusive-language translations of biblical texts for liturgical use. These two committees established a joint committee on inclusive language, which prepared this text.

4. This document, while providing an answer to the question concerning translations of biblical texts for liturgical use, does not attempt to elaborate a complete set of criteria for inclusive language in the liturgy in general, that is, for prayers, hymns and preaching. These cognate areas will be treated only insofar as they overlap the particular issues being addressed here.

5. This document presents practical principles for the members of the National Conference of Catholic Bishops to exercise their canonical responsibility for approving translations of Scripture proposed for liturgical use. However, just as this document does not deal with all cases of inclusive language in the liturgy, neither is it intended as a theology of translation. The teaching of *Dei Verbum* and the instructions of the Pontifical Biblical Commission prevail in matters of inspiration, inerrancy and hermeneutics and their relationship with meaning, language and the mind of the author. While there would be a value in producing a study summarizing these issues, it would distract from the immediate purpose of this document.

6. This document treats the problem indicated above in four parts: general principles; principles for inclusive-language lectionary translations; preparation of texts for use in the lectionary; special questions, viz., naming God, the Trinity, Christ and the church.

Part 1: General Principles

7. There are two general principles for judging translations for liturgical use: the principle of fidelity to the word of God and the principle of respect for the nature of the liturgical assembly. Individual questions, then, must be judged in light of the textual, grammatical, literary, artistic and dogmatic requirements of the particular scriptural passage and in light of the needs of the liturgical assembly. In cases of conflict or ambiguity, the principle of fidelity to the word of God retains its primacy.

1. Fidelity to the Word of God

The following considerations derive from the principle of fidelity to the word of God.

8. The people of God have the right to hear the word of God integrally proclaimed' in fidelity to the meaning of the inspired authors of the sacred text.

9. Biblical translations must always be faithful to the original language and internal truth of the inspired text. It is expected, therefore, that every concept in the original text will be translated within its context.

10. All biblical translations must respect doctrinal principles of revelation, inspiration and biblical interpretation (hermeneutics) as well as the formal rhetoric intended by the author (e.g., Heb 2:5-18). They must be faithful to Catholic teaching regarding God and divine activity in the world and in human history as it unfolds. "Due attention must be paid both to the customary and characteristic patterns of perception, speech and narrative which prevailed at the age of the sacred writer and to the conventions which the people of his time followed."⁴

11. The Nature of the Liturgical Assembly

The following considerations derive from the nature of the liturgical assembly

11. Each and every Christian is called to and indeed has a right to full and active participation in worship. This was stated succinctly by the Second Vatican Council: "The church earnestly desires that all the faithful be led to that full, conscious and active participation in liturgical celebrations called for by the very nature of the liturgy. Such participation by the Christian people as 'a chosen race, a royal priesthood, a holy nation. God's own people' (1 Pt 2:9, see 2:4-5) is their right and duty by reason of their baptism."⁵ An integral part of liturgical participation is hearing the word of Christ, "who speaks when the Scriptures are proclaimed in the church."⁶ Full and active participation in the liturgy demands that the liturgical assembly recognize and accept the transcendent power of God's word.

12. According to the church's tradition, biblical texts have many liturgical uses. Because their immediate purposes are somewhat different, texts translated for public proclamation in the liturgy may differ in some respects (cf. Part 2) from those translations which are meant solely for academic study, private reading or

JC. 213.

⁴ Vatican Council II. Dogmatic Constitution on Divine Revelation. 12.

⁵ Ibid. Constitution on the Sacred Liturgy. 14. English translation is from *Documents on the Liturgy 1965-1979: Conciliar, Papal and Curial Texts* (hereafter DOL), (Collegeville. Minn: The Liturgical Press, 1982). I. 14.

⁶ Ibid. 7.

lectio divina.

13. The language of biblical texts for liturgical use should be suitably and faithfully adapted for proclamation and should facilitate the full, conscious and active participation of all members of the church, women and men, in worship.

Part 2: Principles for Inclusive-Language: Lectionary Translations

14. The word of God proclaimed to all nations is by nature inclusive, that is, addressed to all peoples, men and women. Consequently, every effort should be made to render the language of biblical translations as inclusively as a faithful translation of the text permits, especially when this concerns the people of God, Israel and the Christian community.

15. When a biblical translation is meant for liturgical proclamation, it must also take into account those principles which apply to the public communication of the biblical meaning. Inclusive language is one of those principles, since the text is proclaimed in the Christian assembly to women and men who possess equal baptismal dignity and reflects the universal scope of the church's call to evangelize.

16. The books of the Bible are the product of particular cultures, with their limitations as well as their strengths. Consequently not everything in Scripture will be in harmony with contemporary cultural concerns. The fundamental mystery of incarnational revelation requires the retention of those characteristics which reflect the cultural context within which the word was first received.

17. Language which addresses and refers to the worshiping community ought not use words or phrases which deny the common dignity of all the baptized.

18. Words such as *men, sons, brothers, brethren, forefathers, fraternity and brotherhood*, which were once understood as inclusive generic terms, today are often understood as referring only to males. In addition, although certain uses of *he, his and him* once were generic and included both men and women, in contemporary American usage these terms are often perceived to refer only to males. Their use has become ambiguous and is increasingly seen to exclude women. Therefore, these terms should not be used when the reference is meant to be generic, observing the requirements of No. 7 and No. 10.

19. Words such as *adam, anthropos* and *homo* have often been translated in many English biblical and liturgical texts by the collective terms *man* and *family of man*. Since in the original languages these words actually denote human beings rather than only males, English terms which are not gender specific, such as *person, people, human family* and *humans*, should be used in translating these words.

20. In narratives and parables the sex of individual persons should be retained. Sometimes, in the synoptic tradition, the Gospel writers select examples or metaphors from a specific gender. Persons of the other sex should not be added merely in a desire for balance. The original references of the narrative or images

of the parable should be retained.

Part 3: Preparation of Texts for Use in the Lectionary

21. The liturgical adaptation of readings for use in the lectionary should be made in light of the norms of the introduction to the *Ordo Lectionum Missae* (1981). Incipits should present the context of the various pericopes. At times, transitions may need to be added when verses have been omitted from pericopes. Nouns may replace pronouns or be added to participial constructions for clarity in proclamation and aural comprehension. Translation should not expand upon the text, but the church recognizes that in certain circumstances a particular text may be expanded to reflect adequately the intended meaning of the pericope.⁷ In all cases, these adaptations must remain faithful to the intent of the original text.⁸

22. Inclusive-language adaptations of lectionary texts must be made in light of exegetical and linguistic attention to the individual text within its proper context. Blanket substitutions are inappropriate.

23. Many biblical passages are inconsistent in grammatical person, that is, alternating between second person singular or plural (*you*) and third person singular (*he*). In order to give such passages a more intelligible consistency, some biblical readings may be translated so as to use either the second person plural (*you*) throughout or the third person plural (*they*) throughout. Changes from the third person singular to the third person plural are allowed in individual cases where the sense of the original text is universal. It should be noted that, at times, either the sense or the poetic structure of a passage may require that the alternation be preserved in the translation.

24. Psalms and canticles have habitually been appropriated by the church for use in the liturgy, not as readings for proclamation, but as the responsive prayer of the liturgical assembly. Accordingly, adaptations have justifiably been made, principally by the omission of verses which were judged to be inappropriate in a given culture or liturgical context. Thus, the liturgical books allow the adaptation of psalm texts to encourage the full participation of the liturgical assembly.

Part 4: Special Questions

25. Several specific issues must be addressed in regard to the naming of God, the persons of the Trinity and the church, since changes in language can have

⁷ Secretariat for Christian Unity (Commission for Religious Relations With Judaism), "Guidelines and Suggestions for the Application of No. 14 of the Conciliar Declaration *Nostra Aetate*," October 28, 1975 (AAS 67 [1975]: 73-79).

⁸ Sacred Congregation of Rites (Consilium), instruction *Comme le Prévoit* on the translation of liturgical texts for celebrations with a congregation (January 25, 1969) (DOL 123), 30-32

important doctrinal and theological implications.

I. Naming God in Biblical Translations

26. Great care should be taken in translations of the names of God and in (he use of pronouns referring to God. While it would be inappropriate to attribute gender to God as such, the revealed word of God consistently uses a masculine reference for God. It may sometimes be useful, however, to repeat the name of God as used earlier in the text rather than to use the masculine pronoun in every case. But care must be taken that the repetition not become tiresome.

27. The classic translation of the Tetragrammaton (YHWH) as *LORD* and the translation of *Kyrios* as *Lord* should be used in lectionaries.

28. Feminine imagery in the original language of the biblical texts should not be obscured or replaced by the use of masculine imagery in English translations, e.g., Wisdom literature.

II. Naming Christ in Biblical Translations

29. Christ is the center and focus of all Scripture.⁹ The New Testament has interpreted certain texts of the Old Testament in an explicitly Christological fashion. Special care should be observed in the translation of these texts so that the Christological meaning is not lost. Some examples include the Servant Songs of Isaiah 42 and 53, Psalms 2 and 110, and the Son of Man passage in Daniel 7.

III. Naming the Trinity in Biblical Translations

30. In fidelity to the inspired word of God, the traditional biblical usage for naming the Persons of the Trinity as *Father*, *Son* and *Holy Spirit* is to be retained. Similarly, in keeping with New Testament usage and the church's tradition, the feminine pronoun is not to be used to refer to the Person of the Holy Spirit.

IV Naming the Church in Biblical Translations

31. Normally the neuter third person singular or the third person plural pronoun is used when referring to the people of God. Israel, the church, the body of Christ, etc., unless their antecedents clearly are a masculine or feminine metaphor, for instance, the reference to the church as the *bride of Christ or mother* (cf. Rv 12).

⁹Cf. Dogmatic Constitution on Divine Revelation. 16

Conclusion

32. These criteria for judging the appropriateness of inclusive-language translations of sacred Scripture are presented while acknowledging that the English language is continually changing. Contemporary translations must reflect developments in American English grammar, syntax, usage, vocabulary and style. The perceived need for a more inclusive language is part of this development. Such language must not distract hearers from prayer and God's revelation. It must manifest a sense of linguistic refinement. It should not draw attention to itself.

33. While English translations of the Bible have influenced the liturgical and devotional language of Christians, such translations have also shaped and formed the English language itself. This should be true today as it was in the age of the King James and Douay-Rheims translations. Thus, the church expects for its translations not only accuracy but facility and beauty of expression.

34. Principles of translation when applied to lectionary readings and psalm texts differ in certain respects from those applied to translations of the Bible destined for study or reading (see Nos. 22-25 above). Thus, when submitting a new or revised translation of the Bible, an edition of the lectionary or a liturgical Psalter for approval by the National Conference of Catholic Bishops, editors must supply a complete statement of the principles used in the preparation of the submitted text.

35. The authority to adapt the biblical text for use in the lectionary remains with the conference of bishops. These criteria for the evaluation of Scripture translations proposed for use in the liturgy have been developed to assist the members of the National Conference of Catholic Bishops to exercise their responsibility so that all the people of God may be assisted in hearing God's word and keeping it.

NCCB. 15 November 1990, Criteria for the Evaluation of Inclusive Language Translations of Scriptural Texts Proposed for Liturgical Use. *BCL Newsletter* 26 (October/November 1990): 37-41, also: *Origins* 20 (1990): 405-408.

Principles for Preparing NAB Pericopes, 15 November 1990. NCCB.

The National Conference of Catholic Bishops, meeting in plenary' assembly on November 11-15, 1990, approved the Principles for Preparing Pericopes from the New American Bible for Use in Second Edition of the Lectionary for Mass. These nine principles are designed solely' to assist the Lectionary' Subcommittee in preparing the biblical texts for inclusion in the Lectionary for Mass in conformity to the liturgical requirements of the editio typica altera of the Ordo Lectionum Missae (1981). The approved introduction and principles follow:

Nine Principles for Preparing Pericopes from the *New American Bible* for the Use in the *Lectionary for Mass*. -j&S

The following principles have been formulated to assist the Lectionary Subcommittee of the Committee on the Liturgy in the preparation of the pericopes from the *New American Bible with the Revised New Testament* which will be used in the second edition of the *Lectionary for Mass*. It is understood that these principles are to be applied with great care and that the adapted texts never alter the meaning of the biblical text.

Principle A: An incipit is supplied, expressing the context of the reading in accord with lectionary tradition.

Principle B: A pronoun is replaced by a noun for purposes of clarity or facility in public reading.

Principle C: A clause is put into the plural so as to be inclusive in language, without affecting the meaning of the clause.

Principle D: A clause is changed from the third person singular to the second person so as to be inclusive in language, only when it does not affect the meaning of the clause.

Principle E: The expression “the Jews” in the Fourth Gospel is translated as “the Jewish authorities” or “the Jewish religious leaders” or “the Jewish leaders” or “the Jewish people,” etc., in accord with the *Guidelines on Religious Relations with the Jews* (December 1, 1974), Part II: Liturgy, of the Apostolic See’s Council on Religious Relations with the Jews.

Principle F: The Greek word *adelphoi* is translated as “brother and sisters” in a context which, in the judgment of Scripture scholars, includes women as well as men.

Principle G: In those instances where the meaning of the text would be altered, a word which is exclusive in meaning is replaced by an inclusive word or words when the context includes women as well as men.

Principle H: Individuals are not described by their disability (“a paralytic.” “a leper,” etc.), but as a man (woman) who is paralyzed, a man (woman) with leprosy, etc.

Principle I: In occasional instances a word which is difficult to read publicly or to understand is replaced by a simpler or easier word, without affecting the meaning of the sentence.

NCCB. 15 November 1990. Principles for Preparing NAB Pericopes. *BCL Newsletter* 26 (October/November 1990): 41-42.

**Women and the Holy Thursday Foot-Washing Ceremony, 16 February 1987.
Private.**

In response to a number of inquiries from bishops, diocesan liturgical commissions and offices of worship concerning the rite of washing of feet on Holy

Thursday, the chairman of the bishops' Committee on the Liturgy, after a review of the matter by the committee, has authorized the following response prepared by the secretariat. The matter is being referred to the competent Roman congregation, which is already studying various questions relating to Holy Week.

D: What is the significance of the Holy Thursday foot-washing rite?

R: I. The Lord Jesus washed the feet of his disciples at the Last Supper as a sign of the new commandment that Christians should love one another: "Such was my love for you, so must your love be for each other. This is how all will know you for my disciples: your love for one another" (see Jn 13:34-35). For centuries the church has imitated the Lord through the ritual enactment of the new commandment of Jesus Christ in the washing of feet on Holy Thursday.

2. Although the practice had fallen into disuse for a long time in parish celebrations, it was restored in 1955 by Pope Pius XII as a part of the general reform of Holy Week. At that time the traditional significance of the rite of foot washing was stated by the Sacred Congregation of Rites in the following words: "Where the washing of feet, to show the Lord's commandment about fraternal charity, is performed in a church according to the rubrics of the restored *Ordo* of Holy Week, the faithful should be instructed on the profound meaning of this sacred rite and should be taught that it is only proper that they should abound in works of Christian charity on this day."

3. The principal and traditional meaning of the Holy Thursday *mandatum*, as underscored by the decree of the congregation, is the biblical injunction of Christian charity: Christ's disciples are to love one another. For this reason, the priest who presides at the Holy Thursday liturgy portrays the biblical scene of the Gospel by washing the feet of some of the faithful.

4. Because the Gospel of the *mandatum* read on Holy Thursday also depicts Jesus as the "Teacher and Lord" who humbly serves his disciples by performing this extraordinary gesture which goes beyond the laws of hospitality,² the element

¹ Sacred Congregation of Rites, Instruction on the Correct Use of the Restored Ordo of Holy Week. November 16, 1955 (Washington, DC: National Catholic Welfare Conference Publications Office, 1955), p. 6.

In biblical times it was prescribed that the host of a banquet was to provide water (and a basin) so that his guests could wash their hands before sitting down to table. Although a host might also provide water for travelers to wash (their own feet before entering the house, the host himself would not wash the feet of his guests. According to the Talmud, the washing of feet was forbidden to any Jew except those in slavery.

In the controversies between Hillel and Shammai (cf. *Shabbat* 14a-b) Shammai ruled that guests were to wash their hands to correct *tum'at yadayim*, or "impurity of hands" (cf. Ex 30:17 and Lv 15:11). Priests were always to wash their hands before eating consecrated meals. The Pharisees held that all meals were in a certain sense "consecrated" because of table fellowship. **M I**

Jesus' action of washing (the feet of his disciples was unusual for his gesture went beyond the required laws of hospitality (washing of hands) to what was, in appearance, a menial task. The Lord's

of humble service has accentuated the celebration of the foot-washing rite in the United States over the last decade or more. In this regard it has become customary in many places to invite both men and women to be participants in this rite in recognition of the service that should be given by all the faithful to the church and to the world. Thus, in the United States, a variation in the rite developed in which not only charity is signified but also humble service.

5. While this variation may differ from the rubric of the *Sacramentary* which mentions only men (“*vzrz selecti*”), it may nevertheless be said that the intention to emphasize service along with charity in the celebration of the rite is an understandable way of accentuating the evangelical command of the Lord, “who came to serve and not to be served,” that all members of the church must serve one another in love.

6. The liturgy is always an act of ecclesial unity and Christian charity, of which the Holy Thursday foot-washing rite is an eminent sign. All should obey the Lord’s new commandment to love one another *with an abundance of love*, especially at this most sacred time of the liturgical year when the Lord’s passion, death and resurrection are remembered and celebrated in the powerful rites of the Triduum?

Secretariat, U.S. Bishops’ Committee on the Liturgy. 16 February 1987. response to inquiries. *Origins* 16 (1987): 712; *BCL Newsletter* 23 (February 1987): 5-6.

Declaration on Eucharistic Prayers and Liturgical Experimentation, 21 March 1988. Private.

In view of certain initiatives taking place in the celebration of the liturgy, the Congregation for Divine Worship deems it necessary to repeat some already-established norms that are still in force regarding Eucharistic prayers and liturgical experiments. The issue involves matters about which it is necessary “to ensure that the entire Body of the Church may be able to move ahead single-mindedly and with

action was probably unrelated to matters of ritual purity according to the law.

For a brief overview of the restoration of the foot-washing rite in 1955, see W.J. O’Shea. “*Mandatum*”, New Catholic Encyclopedia. Vol. IX. 146. and W.J. O’Shea. “Holy Thursday,” New Catholic Encyclopedia, Vol. VII. 105-107; Walter D. Miller. *Revised Ceremonial of Holy Week* (New York: Catholic Publishing Co., 1971). p. 43. See also Prosper Guéranger, O.S.B. *The Liturgical Year*. Vol. VI *Passiontide and Holy Week* (Newman Press, Westminster, MD. 1949), pp. 395-401. For the historical background of the many forms of this rite, see the following studies: Pier Franco Beatrice. *La lavanda dei piedi: Contributo alla storia delle antiche liturgie cristiane* (Rome: C.L.V. Edizioni Liturgiche. 1983); “*Lotio pedum*” in Hermann Schmidt, *Hebdomada Sancta*, Vol. II (Rome: Herder. 1956-1957); Annibale Bugnini, C.M. and C. Braga, C.M. *Ordo Hebdomadae Sanctae Instauratus in Biblioteca ‘Ephemerides Liturgicae’ Sectio Historica* 25 (Rome: Edizioni Liturgicae, 1956). pp. 73-75. Theodor Klauser, *A Short History of the Western Liturgy: An Account and Some Reflections*. 2nd ed. (New York: Oxford University Press. 1979). p. 81.

the unity of charity ... because the link between liturgy and faith is so close that service to the one redounds to the other.”¹

I. As to the use of Eucharistic prayers, the Congregation considers it necessary to issue the following reminders, taken chiefly from the Circular Letter *Eucharistiae participationem*.

1. In addition to the four Eucharistic Prayers contained in the Roman Missal, the Congregation for Divine Worship has, in the course of time, approved other Eucharistic prayers, either for universal use – the Eucharistic Prayers for Masses of Reconciliation, or for use by certain nations or regions – the Eucharistic Prayers for Masses with Children; other Eucharistic prayers have, in special circumstances, been granted upon petition by the conference of bishops. The Congregation has also approved prefaces besides those contained in the *Roman Missal*.

2. The use of these Eucharistic prayers and prefaces is restricted to those to whom they have been granted and within the time or the place specified in the concession. “It is unlawful to use any other Eucharistic prayer that is composed without leave of the Apostolic See or that does not have its approval.”²

3. “Moved by a pastoral love for unity, the Apostolic See reserves to itself the right to regulate a matter so important as the discipline of the Eucharistic prayers. The Apostolic See will not refuse to consider lawful needs within the Roman Rite and will accord every consideration to the petitions submitted by the conferences of bishops for the possible composition in special circumstances of a new Eucharistic prayer and its introduction into the liturgy. The Apostolic See will set forth the norms to be observed in each case.”³

II. As to liturgical experiments, the Congregation for Divine Worship in the Instruction *Liturgicae instaurationes* has declared the following points, which remain in force.

1. “Any liturgical experimentation that may seem necessary or advantageous receives authorization from this Congregation alone, in writing, with norms clearly set out, and subject to the responsibility of the competent local authority.”⁴

2. “All earlier permissions for experimentation with the Mass, granted in view

¹ SC Divine Worship, Instruction (Third) *Liturgicae instaurationes*. On the orderly carrying out of the Constitution on the Liturgy, 5 September 1970: AAS 62 (1970). 694; Eng. tr. DOL 52. no. 511

² SC Divine Worship, Circular Letter *Eucharistiae participationem*, 27 April 1973. no. 6: AAS (1973), 342; Eng. tr.. DOL 248. no. 1980.

³ Ibid.

⁴ SC Divine Worship, Instruction (Third) *Liturgicae instaurationes*. On the orderly carrying out of the Constitution on the Liturgy. 5 September 1970: AAS 62 (1970), 703; Eng. tr. DOL 52. no. 530.

of the liturgical reform as it was in progress, are to be considered no longer in effect. Since publication of the *Missale Romanum* the norms and forms of Eucharistic celebration are those given in the General Instruction and the Order of Mass.”⁵

3. “The conferences of bishops are to draw up in detail any adaptations envisioned in the liturgical books and submit them for confirmation to the Apostolic See.”⁶

4. When, in keeping with the provisions of the Constitution *Sacrosanctum Concilium*, no. 40, changes in the structure of rites or in the order of parts set forth in the liturgical books are involved, or any departure from the usual, or the introduction of new texts, a point-by-point outline is to be submitted to the Apostolic See by the conference of bishops prior to the beginning of any kind of experiment. While awaiting the response of the Apostolic See, no one, not even a priest, may put the petitioned adaptations into use or on his own add, remove, or change anything in the liturgy.⁷

5. “Such a procedure is called for and demanded by both the Constitution *Sacrosanctum Concilium* and the importance of the issue.”⁸ The Congregation for Divine Worship is going to publish guidelines on the adaptations to the culture and traditions of peoples that are provided for in the Constitution *Sacrosanctum Concilium*, nos. 37-40.

“The conferences of bishops and the bishops individually are urgently requested that by using compelling reasons they lead priests to respect the one practice of the Roman Church: this course will be a service to the good of the Church itself and to the correct carrying out of the liturgical celebrations.”⁹ It is the responsibility of bishops to oversee, promote, and safeguard liturgical life, and to correct abuses; it is also their responsibility to explain to their people the theological basis for the discipline of the sacraments and of the entire liturgy.”

Cong. for Div. Worship, 21 March 1988, declaration. *BCL Newsletter* 24 (April 1988): 14-15.

⁵ Ibid.

⁶ Ibid.

⁷ SC Divine Worship, Instruction (Third) *Uturgicae instaurationes*. On the orderly carrying out of the Constitution on the Liturgy, 5 September 1970, no. 12 /14562(1970), 703; Eng. tr. DOL 52, no. 530. Vatican Council II. Constitution on the Liturgy *Sacrosanctum Concilium*, no. 22. 3 Eng. tr., DOL I, no. 22.

⁸ SC Divine Worship, Instruction (Third) *l-iturgicae instaurationes*. On the orderly carrying out of the Constitution on the Liturgy, 5 September 1970, no. 12:44562(1970), 703; Eng. tr. DOL 52, no. 530.

⁹ SC Divine Worship, Circular Letter *Eucharistiae participationem*, 27 April 1973, no. 6 445(1973), 342; Eng. tr., DOL 248, no. 1980.

¹⁰ See Vatican Council II. Decree on the Pastoral Office of Bishops *Christus Dominus*, no. 15 DOL 7, no. 194. See also the Extraordinary Synod of Bishops, 1985. Final Report

Preparation and Celebration of the Easter Feasts (*Sollemnia Paschalia*), 16 January 1988.

P r e f a c e

The Easter Solemnity, revised and restored by Pius XII in 1951 and then the Order of Holy Week in 1955 were favorably received by the Church of the Roman Rite.¹

The Second Vatican Council, especially in the Constitution on the Sacred Liturgy, repeatedly drawing upon tradition, called attention to Christ’s paschal mystery and pointed out that it is the fount from which all sacraments and sacramentals draw their power.²

Just as the week has its beginning and climax in the celebration of Sunday, which always has a paschal character, so the summit of the whole liturgical year is in the sacred Easter Triduum of the Passion and Resurrection of the Lord,³ which is prepared for by the period of Lent and prolonged for fifty days.

In many parts of the Christian world, the faithful followers of Christ, with their pastors, attach great importance to the celebration of this rite, and participate in it with great spiritual gain.

However, in some areas where initially the reform of the Easter Vigil was received enthusiastically, it would appear that with the passage of time this enthusiasm has begun to wane. The very concept of the Vigil has almost come to be forgotten in some places with the result that it is celebrated as if it were an evening Mass, in the same way and at the same time as the Mass celebrated on Saturday evening in anticipation of the Sunday.

It also happens that the celebrations of the Triduum are not held at the correct times. This is because certain devotions and pious exercises are held at more convenient times and so the faithful participate in them rather than in the liturgical celebrations.

Without any doubt one of the principal reasons for this state of affairs is the inadequate formation given to the clergy and the faithful regarding the paschal mystery as the center of the liturgical year and of Christian life.⁴

The holiday period which today in many places coincides with Holy Week and certain altitudes held by present day society concur to present difficulties for the faithful to participate in these celebrations.

Cf. SRC, Deer. *Dominicae Resurrectionis* (February 9. 1951) AAS43 (1951): 128-137; Deer *Maxima redemptionis Nostrae mysteria* (November 16, 1955) AAS 47 (1955): 838-847.

Cf. Second Vatican Council. Constitution on the Sacred Liturgy *Sacrosanctum Concilium*, nn. 5.6, 61.

¹ Cf. General Norms for the Liturgical Year and the Calendar, n. 18.

⁴ Cf. Second Vatican Council, Decree on the Pastoral Office of Bishops *Christus Dominus*, n. 15

With these points in mind, the Congregation for Divine Worship, after due consideration, thinks that it is a fitting moment to recall certain elements, doctrinal and pastoral, and various norms which have already been published concerning Holy Week. All those details which are given in the liturgical books concerning Lent, Holy Week, the Easier Triduum and Paschal time retain their full force, unless otherwise stated in this document.

It is the aim of this document that the great mystery of our Redemption be celebrated in the best possible way so that the faithful may participate in it with ever greater spiritual advantage.⁵

I. The Lenten Season

“The annual Lenten season is the fitting time to climb the holy mountain of Easier.

“The Lenten season has a double character, namely to prepare both catechumens and faithful to celebrate the paschal mystery. The catechumens, both with the rite of election and scrutinies, and by catechesis, are prepared for the celebration of the sacraments of Christian initiation; the faithful, ever more attentive to the word of God and prayer, prepare themselves by penance for the renewal of their baptismal promises.”⁶

a) Concerning the Rite of Christian Initiation

The whole rite of Christian initiation has a markedly paschal character, since it is therein that the sacramental participation in the death and Resurrection of Christ takes place for the first time. Therefore Lent should have its full character as a time of purification and enlightenment, especially through the scrutinies and by the presentations; naturally the paschal Vigil should be regarded as the proper time to celebrate the sacraments of initiation.⁷

Communities that do not have any catechumens should not however fail to pray for those who in the forthcoming paschal Vigil will receive the sacraments of Christian initiation. Pastors should explain to the faithful the importance of the profession of baptismal faith for the growth of their spiritual life. They will be invited to renew this profession of faith “at the end of the Lenten penitential observance.”⁸

In Lent there should be catechesis for those adults who, although baptized when

⁵ Cf. SRC, Deer *Maxima redemptionis nostrae mysteria* (Nov 16. 1955) AAS 47 (1955): 838-847

Cf. *Caeremoniale episcoporum*, n. 249.

Cf. *The Roman Ritual*, Rite of Christian Initiation of Adults, n. 8; C/C. c. 856

⁷ *Roman Missal*, The Easter Vigil, no. 46.

infants, were not brought up in the faith and consequently have not been confirmed nor have they received the Eucharist. During this period penitential services should be arranged to help prepare them for the Sacrament of Reconciliation.⁹

The Lenten season is also an appropriate time for the celebration of penitential rites on the model of the scrutinies for un-baptized children who are at an age to be catechized, and also for children already baptized, before being admitted to the Sacrament of Penance.¹⁰

The bishop should have particular care to foster the catechumenate of both adults and children and according to circumstances, to preside at the prescribed rites, with the devout participation of the local community."

b) Celebrations during the Lenten season

The Sundays of Lent take precedence over all feasts and all solemnities. Solemnities occurring on these Sundays are observed on the preceding Saturday.¹¹ The weekdays of Lent have precedence over obligatory memorials.¹²

The catechesis on the Paschal mystery and the sacraments should be given a special place in the Sunday homilies; the text of the lectionary should be carefully explained, particularly the passages of the Gospel which illustrate the diverse aspects of Baptism and of the other sacraments, and also the aspects of the mercy of God.

Pastors should frequently and as fully as possible explain the word of God, in homilies on weekdays, in celebrations of the word of God, in penitential celebrations,¹³ in various reunions, in visiting families or on the occasion of blessing families. The faithful should try to attend weekday Mass and where this is not possible they should at least be encouraged to read the lessons, either with their families or in private.

"The Lenten season should retain something of its penitential character."¹⁴ "As regards catechesis, it is important to impress on the minds of the faithful not only the social consequences of sin but also that aspect of the virtue of penance, which involves the detestation of sin as an offence against God."¹⁵

⁹ Cf. *The Roman Ritual*. Rite of Christian Initiation of Adults, cap. IV, especially n. 303.

¹⁰ Cf. *ibidem*, nn. 330-333.

¹¹ Cf. *Caeremoniale episcoporum*, nn. 250, 406-407; cf. *The Roman Ritual*. Rite of Christian Initiation of Adults, n. 41.

¹² Cf. General Norms for the Liturgical Year and the Calendar, n. 5. Cf. *ibidem*, n. 56f, and *Notitiae*, 23(1987)397.

¹³ *Ibidem*, n. 16. b.

¹⁴ *Roman Missal*. General Instruction, n. 42; cf. Rite of Penance, nn. 36-37.

¹⁵ Paul VI. Apost. Const. *Poeniternini*, II, 1: AAS 58 (1966): 183.

¹⁶ *Caeremoniale episcoporum*, n. 251.

The virtue and practice of penance form a necessary part of the preparation for Easter: from that inner conversion of heart should spring the practice of penance, both for the individual Christian and for the whole community. This practice, while being adapted to the conditions of the present time, should nevertheless witness to the evangelical spirit of penance and also be to the advantage of others.

The role of the Church in penitential practices is not to be neglected and encouragement is to be given to prayer for sinners, and this intention should be included in the prayer of the faithful.¹⁷

"The faithful are to be encouraged to participate in an ever more intense and fruitful way in the Lenten liturgy and in penitential celebrations. They are to be clearly reminded that both according to the law and tradition, they should approach the Sacrament of Penance during this season, so that with purified heart they may participate in the paschal mysteries. It is appropriate that during Lent the Sacrament of Penance be celebrated according to the rite for the reconciliation of several penitents with individual confession and absolution, as given in the Roman Ritual."¹⁸

Pastors should devote themselves to the ministry of reconciliation, and provide sufficient time for the faithful to avail themselves of this sacrament.

"All Lenten observances should be of such a nature that they also witness to the life of the local church and foster it. The Roman tradition of the 'stationary' churches can be recommended as a model for gathering the faithful in one place. In this way the faithful can assemble in larger numbers, especially under the leadership of the bishop of the diocese, or at the tombs of the saints, or in the principal churches of the city or sanctuaries, or some place of pilgrimage which has a special significance for the diocese."¹⁹

"In Lent the altar should not be decorated with flowers, and musical instruments may be played only to give necessary support to the singing;"²⁰ this is in order that the penitential character of the season be preserved.

Likewise from the beginning of Lent until the paschal Vigil. "Alleluia" is to be omitted in all celebrations, even on solemnities and feasts.²¹

The chants to be sung in celebrations especially of the Eucharist, and also at devotional exercises should be in harmony with the spirit of the season and the liturgical texts.

Devotional exercises which harmonize with the Lenten season are to be encouraged, for example, "The Stations of the Cross"; they should help foster the

¹⁷ Cf. *ibidem*, n. 251, Second Vatican Council. Constitution on the Sacred Liturgy *Sacrosanctum Concilium*, n. 109.

¹⁸ Cf. *Caeremoniale episcoporum*, n. 251.

Cf. *ibidem*, n. 260.

¹⁹ Cf. *ibidem*, n. 252.

²¹ Cf. General Norms for the Liturgical Year and the Calendar, n. 28.

liturgical spirit with which the faithful can prepare themselves for the celebration of Christ's paschal mystery.

c) Particular details concerning the days of Lent

“On the Wednesday before the first Sunday of Lent, the faithful receive the ashes, thus entering into the time established for the purification of their souls. This sign of penance, a traditionally biblical one, has been preserved among the Church's customs until the present day. It signifies the human condition of the sinner, who seeks to express his guilt before the Lord in an exterior manner, and by so doing express his interior conversion, led on by the confident hope that the Lord will be merciful. This same sign marks the beginning of the way of conversion, which is developed through the celebration of the Sacrament of Penance during the days before Easter.”²²

The blessing and imposition of ashes should take place either in the Mass, or outside of the Mass. In the latter case it precedes the liturgy of the word which concludes with the prayer of the faithful.²¹

Ash Wednesday is to be observed as a day of penance in the whole Church, one of both abstinence and fasting.²⁴

The first Sunday of Lent marks the beginning of the annual Lenten observances.²⁵ In the Mass of this Sunday there should be some distinctive elements which underline this important moment: e.g., the entrance procession with the litany of the saints.²⁶ During the Mass of the first Sunday of Lent, the bishop should celebrate the rite of election in the cathedral or in some other church, as seems appropriate.²⁷

The Gospel pericopes of the Samaritan woman, of the man blind from birth and the resurrection of Lazarus, are assigned to the III, IV and V Sundays of Lent of year A, and since they are of particular significance in relation to Christian initiation, they can also be read in years B and C, especially in places where there are catechumens.²⁸

On the fourth Sunday of Lent "*Laetare*" and on solemnities and feasts, musical instruments may be played and the altar decorated with flowers. Rose-colored

Cf. *Caeremoniale episcoporum*, n. 253.

²¹ *Roman Missal*, Ash Wednesday.

²⁴ Paul VI. Apost. Const. *Poenitemini*, II. I. AAS 58 (1966) 183. C/C.c. 1251

²⁵ *Roman Missal*, First Sunday of Lent. Opening Prayer and Prayer over the gifts.

²⁶ Cf. *Caeremoniale episcoporum*, n. 261.

²⁷ Cf. *ibidem*, nn 408-410.

²⁸ *Roman Missal*, Lectionary for Mass. Second edition 1981 Introduction, n. 97.

vestments may be worn on this Sunday.²⁹

The practice of covering the crosses and images in the church may be observed, if the episcopal conference should so decide. The crosses are to be covered until the end of the celebration of the Lord’s Passion on Good Friday. Images are to remain covered until the beginning of the Easter Vigil.³⁰

II. Holy Week

During Holy Week the Church celebrates the mysteries of salvation accomplished by Christ in the last days of His life on earth, beginning with His messianic entrance into Jerusalem.

The Lenten season lasts until the Thursday of this week. The Easter Triduum begins with the evening Mass of the Lord’s Supper, is continued through Good Friday with the celebration of the Passion of the Lord and Holy Saturday, to reach its summit in the Easter Vigil, and concludes with Vespers of Easter Sunday.

“The days of Holy Week, from Monday to Thursday inclusive, have precedence over all other celebrations.”³¹

It is not fitting that Baptisms and Confirmation be celebrated on these days.

a) Passion Sunday (Palm **Sunday**)

Holy Week begins on “Passion (or Palm) Sunday” which joins the foretelling of Christ’s regal triumph and the proclamation of the Passion. The connection between both aspects of the paschal mystery should be shown and explained in the celebration and catechesis of this day.³²

The commemoration of the entrance of the Lord into Jerusalem has, according to ancient custom, been celebrated with a solemn procession, in which the faithful in song and gesture imitate the Hebrew children who went to meet the Lord singing Hosanna.”³³

The procession may take place only once, before the Mass which has the largest attendance, even if this should be in the evening either of Saturday or Sunday. The congregation should assemble in a secondary church or chapel or in some other suitable place distinct from the church to which the procession will move.

In this procession the faithful carry palm or other branches. The priest and the

²⁹Cf. *Caeremoniale episcoporum*, n. 252.

³⁰*Roman Missal*, rubric Saturday of (he fourth week of Lent

³¹Cf. General Norms for the Liturgical Year and (he Calendar, n. 16, a

³²Cf. *Caeremoniale episcoporum*, n. 263.

³³ Cf *Roman Missal*. Passion Sunday (Palm Sunday) n. 9

ministers, also carrying branches, precede the people?⁴

The branches of palms are blessed so that they can be carried in the procession. The palms should be taken home, where they will serve as a reminder of the victory of Christ which they celebrated in the procession.

Pastors should make every effort to ensure that this procession in honor of Christ the King be so prepared and celebrated that it is of great spiritual significance in the life of the faithful.

The Missal, in order to commemorate the entrance of the Lord into Jerusalem, in addition to the solemn procession described above, gives two other forms, not simply for convenience, but to provide for those situations when it will not be possible to have the procession.

The second form is that of a solemn entrance, when the procession cannot take place outside of the church. The third form is a simple entrance such as is used at all Sunday Masses which do not have the solemn entrance.³⁵

Where the Mass cannot be celebrated, there should be a celebration of the word of God on the theme of the Lord's messianic entrance and passion, either on Saturday evening or on Sunday at a convenient time.³⁶

During the procession, the choir and people should sing the chants proposed in the Roman Missal, especially Psalm 23 and 46, as well as other appropriate songs in honor of Christ the King.

The Passion narrative occupies a special place. It should be sung or read in the traditional way, that is, by three persons who take the part of Christ, the narrator and the people. The Passion is proclaimed by deacons or priests, or by lay readers; in the latter case, the part of Christ should be reserved to the priest.

The proclamation of the Passion should be without candles and incense, the greeting and the sign of the cross on the book are omitted; only the deacons ask for the blessing of the priest, as on other occasions before the Gospel.³⁷

For the spiritual good of the faithful the Passion should be proclaimed in its entirety, and the readings which precede it should not be omitted.

After the Passion has been proclaimed, a homily is to be given.

b) The Chrism Mass

The Chrism Mass, which the bishop celebrates with his presbyterium, and at which the Holy Chrism is consecrated and the oils blessed, manifests the communion of the priests with their bishop in the same priesthood and ministry of

⁴ *Caeremoniale episcoporum*, n. 270,

^K Cf. *Roman Missal*, Passion Sunday (Palm Sunday) n. 16.

³⁶ Cf. *ibidem*, n. 19.

³⁷ Cf. *ibidem*, n. 22. For a Mass at which a bishop presides, cf. *Caeremoniale episcoporum*, n. 74.

Christ?⁸ To this Mass, the priests who concelebrate with the bishop should come from different parts of the diocese, thus showing in the consecration of the Chrism to be his witness and cooperators, just as in their daily ministry they are his helpers and counselors.

The faithful are also to be encouraged to participate in this Mass, and to receive the Sacrament of the Eucharist.

Traditionally the Chrism Mass is celebrated on the Thursday of Holy Week. If, however, it should prove to be difficult for the clergy and people to gather with the bishop, this rite can be transferred to another day, but one always close to Easter.⁹ The Chrism and the Oil of Catechumens is to be used in the celebration of the sacraments of initiation on Easter night.

There should be only one celebration of the Chrism Mass given its significance in the life of the diocese, and it should take place in the cathedral or, for pastoral reasons, in another church⁴ which has a special significance.

The Holy Oils can be brought to the individual parishes before the celebration of the evening Mass of the Lord's Supper, or at some other suitable time. This can be a means of catechizing the faithful about the use and effects of the Holy Oils and Chrism in Christian life.

c) The penitential celebrations in Lent

It is fitting that the Lenten season should be concluded, both for the individual Christian as well as for the whole Christian community, with a penitential celebration, so that they may be helped to prepare to celebrate more fully the paschal mystery.⁴¹

These celebrations, however, should take place before the Easter Triduum, and should not immediately precede the evening Mass of the Lord's Supper.

III. The Easter Triduum in General

The greatest mysteries of the Redemption are celebrated yearly by the Church beginning with the evening Mass of the Lord's Supper on Holy Thursday until Vespers of Easter Sunday. This time is called "the triduum of the crucified, buried and risen;"⁴² it is also called the "Easter Triduum" because during it is celebrated the Paschal mystery, that is, the passing of the Lord from this world to His Father

⁸ Second Vatican Council. Decree on the Ministry and Life of Priests. *Presbyterorum Ordinis*, § 7
⁹ *Caeremoniale episcoporum*, § 275.

*¹ Cf *ibidem*. 276

⁴¹ Cf. Rite of Penance, Appendix II, nn. 1.7. Cf. *supra* § 18.

⁴² Cf *SRC Deer. Maxima redemptionis nostrae mysteria* (November 6. 1955) AAS 47 (1955) 858. St Augustine. *Ep.* 55. 24, *PL.* 35. 215.

The Church by the celebration of this mystery, through liturgical signs and sacraments, is united to Christ, her Spouse, in intimate communion.

The Easter fast is sacred on the first two days of the triduum, in which according to ancient tradition the Church fasts “because the Spouse has been taken away.”⁴¹ Good Friday is a day of fasting and abstinence: it is also recommended that Holy Saturday be so observed, so that the Church, with uplifted and welcoming heart, be ready to celebrate the joys of the Sunday of the Resurrection.⁴⁴

It is recommended that there be a communal celebration of the Office of Readings and Morning Prayer on Good Friday and Holy Saturday. It is fitting that the bishop should celebrate the Office in the cathedral, with as far as possible the participation of the clergy and people.⁴⁵

This Office, formerly called “Tenebrae,” held a special place in the devotion of the faithful, as they meditated upon the passion, death and burial of the Lord while awaiting the announcement of the Resurrection.

For the celebration of the Easter Triduum it is necessary that there should be a sufficient number of ministers and assistants who should be prepared so that they know what their role is in the celebration. Pastors must ensure that the meaning of each part of the celebration be explained to the faithful so that they may participate more fully and fruitfully.

The chants of the people and also of the ministers and the celebrating priest are of special importance in the celebration of Holy Week and particularly of the Easter Triduum, because they add to the solemnity of these days, and also because the texts are more effective when sung.

The episcopal conferences are asked, unless provision has already been made, to provide music for those parts which should always be sung, namely:

- a) The general intercessions of Good Friday; the deacon’s invitation and the acclamation of the people;
- b) chants for the showing and veneration of the cross;
- c) the acclamations during the procession with the paschal candle and the Easter proclamation, the responsorial “Alleluia,” the Litany of the Saints, and the acclamation after the blessing of water.

Since the purpose of sung texts is also to facilitate the participation of the faithful, they should not be lightly omitted; such texts should be set to music. If the text for use in the liturgy has not yet been set to music, it is possible as a temporary

⁴¹ Cf. Mk 2:19-20: Tertulian, *De ieiunio* 2 and 13. *Corpus Christianorum* II, p. 1271.

⁴² Cf. *Caeremoniale episcoporum*, n. 295: Second Vatican Council. Constitution on the Sacred Liturgy *Sacrosanctum Concilium*, n. 110.

⁴⁴ Cf. *ibidem*, n. 296. General Instruction on the Liturgy of the Hours, n. 210.

measure to select other similar texts which are set to music. It is, however, fitting that there should be a collection of texts set to music for these celebrations, paying special attention to:

- a) chants for the blessing and procession of palms, and for the entrance into church;
- b) chants to accompany the procession with the gifts of Holy Thursday in the evening Mass of the Lord's Supper;
- c) hymns to accompany the procession of the Blessed Sacrament to the place of repose;
- d) the responsorial psalms at the Easter Vigil, and chants to accompany the sprinkling with blessed water.

Music should be provided for the Passion narrative, the Easter proclamation, and the blessing of baptismal water; obviously the melodies should be of a simple nature in order to facilitate their use.

In larger churches where the resources permit, a more ample use should be made of the Church's musical heritage, both ancient and modern, always ensuring that this does not impede the active participation of the faithful.

It is fitting that small religious communities, both clerical and lay, and other lay groups should participate in the celebration of the Easter Triduum in neighboring principal churches.⁴⁶

Similarly where the number of participants and ministers is so small that the celebrations of the Easter Triduum cannot be carried out with the requisite solemnity, such groups of the faithful should assemble in a larger church.

Also where there are small parishes with only one priest it is recommended that such parishes should assemble, as far as possible, in a principal church and there participate in the celebrations.

On account of the needs of the faithful, where a pastor has the responsibility for two or more parishes, in which the faithful assemble in large numbers and where the celebrations can be carried out with the requisite care and solemnity, the celebrations of the Easter Triduum may be repeated in accord with the given norms.⁴⁷

So that seminary students "might live fully Christ's paschal mystery, and thus be able to teach those who will be committed to their care,"⁴⁸ they should be given

⁴⁶ Cf. SRC. Instr. *Eucharistic urn mysterium*, (May 25, 1967) n. 26 AAS 59 (1967). 558. N.B. in monasteries of nuns, every effort should be made to celebrate the Easter Triduum with the greatest possible ceremony but within the monastery church.

⁴⁷ Cf. SRC. *Ordinationes et declarationes circa Ordinem hebdomadae sanctae instauratum*, (February 1, 1957), n. 21; AAS 49 (1957), 91-95.

⁴⁸ Second Vatican Council, Decree on Priestly Formation. *Optatam Totius*, n. 8.

a thorough and comprehensive liturgical formation. It is important that during their formative years in the seminary, they should experience fruitfully the solemn Easter celebrations, especially those over which the bishop presides.⁴⁹

IV. Holy Thursday Evening Mass of the Lord's Supper

With the celebration of Mass on the evening of Holy Thursday “the Church begins the Easter Triduum, and recalls the Last Supper, in which the Lord Jesus, on the night He was betrayed, loving unto the end His own who were in the world, offered to the Father His Body and Blood under the species of bread and wine and gave them to the Apostles as spiritual nourishment, and He commanded them and their successors in the priesthood to perpetuate this offering.”⁵⁰

Careful attention should be given to the mysteries which are commemorated at this Mass: the institution of the Eucharist, the institution of the priesthood, and Christ's command of brotherly love: the homily should explain these points.

The Mass of the Lord's Supper is celebrated in the evening, at a time that is more convenient for the full participation of the whole local community. All priests may concelebrate, even if on this day they have already concelebrated the Chrism Mass or if, for the good of the faithful, they must celebrate another Mass/

Where pastoral considerations require it, the local ordinary may permit another Mass to be celebrated in churches and oratories in the evening, and in the case of true necessity, even in the morning, but only for those faithful who cannot otherwise participate in the evening Mass. Care should nevertheless be taken to ensure that celebrations of this kind do not take place for the benefit of private persons or of small groups, and that they are not to the detriment of the main Mass.

According to the ancient tradition of the Church, all Masses without the participation of the people are forbidden on this day.⁵²

The tabernacle should be completely empty before the celebration. Hosts for the Communion of the faithful should be consecrated during that celebration.⁵⁴ A sufficient amount of bread should be consecrated to provide also for Communion on the following day.

For the reservation of the Blessed Sacrament, a place should be prepared and adorned in such a way as to be conducive to prayer and meditation; that sobriety

⁴⁹ Cf. Congregation for Catholic Education. *Instruction on Liturgical Formation in Seminaries*. (May 17, 1979). nn. 15.33.

⁵⁰ Cf. *Caeremoniale episcoporum*, n. 297.

⁵¹ Cf. *Roman Missal*. Evening Mass of the Lord's Supper.

⁵² Cf. *ibidem*.

⁵³ Cf. *ibidem*, n. I.

⁵⁴ Second Vatican Council. Constitution on the Sacred Liturgy *Sacrosanctum Concilium*, n. 55; SRC. Instr. *Eucharisticum mysterium*, (May 25, 1967). n. 31. AAS 59 (1967) 557-558.

The faithful should be encouraged after the Mass of the Lord's Supper to spend a suitable period of time during the night in the church in adoration before the Blessed Sacrament that has been solemnly reserved. Where appropriate, this prolonged Eucharistic adoration may be accompanied by the reading of some part of the Gospel of St. John (cc. 13-17).

From midnight onward, however, the adoration should be made without external solemnity, for the day of the Lord's Passion has begun.⁶²

After Mass the altar should be stripped. It is fitting that any crosses in the church be covered with a red or purple veil, unless they have already been veiled on the Saturday before the fifth Sunday of Lent. Lamps should not be lit before the images of saints.

V. Good Friday

On this day, when "Christ our Passover was sacrificed,"⁶³ the Church meditates on the Passion of her Lord and Spouse, venerates the Cross, commemorates her origin from the side of Christ on the Cross, and intercedes for the salvation of the whole world.

On this day, in accordance with ancient tradition, the Church does not celebrate the Eucharist; Holy Communion is distributed to the faithful during the celebration of the Lord's Passion alone, though it may be brought at any time of the day to the sick who cannot take part in the celebration.⁶⁴

Good Friday is a day of penance to be observed as of obligation in the whole Church, and indeed through abstinence and fasting.⁶⁵

All celebration of the sacraments on this day is strictly prohibited, except for the Sacraments of Penance and Anointing of the Sick.⁶⁶ Funerals are to be celebrated without singing, music, or the tolling of bells.

It is recommended that on this day the Office of Readings and Morning Prayer be celebrated with the participation of the people in the churches (cf. n. 40).

The celebration of the Lord's Passion is to take place in the afternoon, at about three o'clock. The time will be chosen as shall seem most appropriate for pastoral reasons in order to allow the people to assemble more easily, for example, shortly

Cf. *Roman Missal*. Evening Mass of the Lord's Supper, n. 21; SRC. Deer. *Maxima redemptionis nostrae mysteria* (November 16, 1955) nn. 8-10; AAS 47 (1955), 845.

⁶³ I Cor 5:7.

⁶⁴ Cf. *Roman Missal*. Good Friday. Celebration of the Lord's Passion, nn. 1-3.

⁶⁵ Paul VI. Apost. Const. *Paemtenuni*, II, 2; AAS 58 (1966), 183; *C.I.C.* c. 1251.

⁶⁶ Cf. *Roman Missal*. Good Friday. Celebration of the Lord's Passion, n. 1. CCD. *Declaratio ad "Missale Romanum"*, in *Notitiae* 13 (197), 602.

after midday, or in the late evening, however not later than nine o'clock.⁶⁷

The order for the celebration of the Lord's Passion (the Liturgy of the Word, the veneration of the Cross, and Holy Communion), which stems from an ancient tradition of the Church, should be observed faithfully and religiously, and may not be changed by anyone on his own initiative.

The priest and ministers proceed to the altar in silence, and without any singing. If any words of introduction are to be said, they should be pronounced before the ministers enter.

The priest and ministers make a reverence to the altar prostrating themselves. This act of prostration, which is proper to the rite of the day, should be strictly observed, for it signifies both the abasement of "earthly man"⁶⁸ and also the grief and sorrow of the Church.

The faithful for their part, as the ministers enter, should be standing, and thereafter should kneel in silent prayer.

The readings are to be read in their entirety. The responsorial psalm and the chant before the Gospel are to be sung in the usual manner. The narrative of the Lord's Passion according to John is sung or read in the way prescribed for the previous Sunday (cf. n. 33). After the reading of the Passion, a homily should be given, at the end of which the faithful may be invited to spend a short time in meditation.⁶⁹

The general intercessions are to follow the wording and form handed down by ancient tradition, maintaining the full range of intentions, so as to signify clearly the universal effect of the Passion of Christ, who hung on the Cross for the salvation of the whole world. In case of grave public necessity the local Ordinary may permit or prescribe the adding of special intentions.⁷⁰

In this event it is permitted to the priest to select from the prayers of the Missal those more appropriate to local circumstances, in such a way however that the series follows the rule for general intercessions.⁷¹

For the veneration of the cross, let a cross be used that is of appropriate size and beauty, and let one or other of the forms for this rite as found in the Roman Missal be followed. The rite should be carried out with the splendor worthy of the mystery of our salvation: both the invitation pronounced at the unveiling of the cross and the people's response should be made in song, and a period of respectful silence is to be observed after each act of veneration, the celebrant standing and holding the raised cross.

Cf. *ibidem*, n. 3; SRC, *Ordinationes et declarationes circa Ordinem hebdomadae sanctae instauratum*, (February I, 1957), n. 15; AAS 49 (1957), 94.

M Cf. *ibidem*, n. 5, alternative prayer.

*¹ Cf. *ibidem*, n. 9; cf. *Caeremoniale episcoporum*, n. 319.

Cf. *ibidem*, n. 12.

⁷¹ Cf. *Roman Missal*. General Instruction, η. 46.

The cross is to be presented to each of the faithful individually for their veneration, since the personal veneration of the cross is a most important feature in this celebration, and only when necessitated by the large numbers of faithful present should the rite of veneration be made simultaneously by all present.⁷²

Only one cross should be used for the veneration, as this contributes to the full symbolism of the rite. During the veneration of the Cross the antiphones, "Reproaches," and hymns should be sung, so that the history of salvation be commemorated through song.⁷³ Other appropriate songs may also be sung (cf. n. 42).

The priest sings the invitation to the Lord's Prayer, which is then sung by all. The sign of peace is not exchanged. The Communion rite is as described in the Missal.

During the distribution of Communion, Psalm 21 or another suitable song may be sung. When Communion has been distributed the pyx is taken to a place prepared for it outside of the church.

After the celebration, the altar is stripped, the cross remaining, however, with four candles. An appropriate place (for example the chapel of repose used for reservation of the Eucharist on Holy Thursday) can be prepared within the church, and there the Lord's cross is placed so that the faithful may venerate and kiss it, and spend some time in meditation.

Devotions, such as the Way of the Cross, processions of the Passion, and commemorations of the sorrows of the Blessed Virgin Mary are not, for pastoral reasons, to be neglected. The texts and songs used, however, should be adapted to the spirit of the liturgy of this day. Such devotions should be assigned to a time of day that makes it quite clear that the liturgical celebration by its very nature far surpasses them in importance.⁷⁴

VI. Holy Saturday

On Holy Saturday, the Church is as it were at the Lord's tomb, meditating on His passion and death, and on His descent into hell,⁷⁵ and awaiting His resurrection with prayer and fasting. It is highly recommended that on this day the Office of Readings and Morning Prayer be celebrated with the participation of the people (cf. n. 40).⁷⁶ Where this cannot be done, there should be some celebration of the Word of God, or some act of devotion suited to the mystery celebrated on this day.

⁷² Cf. *Roman Missal*. Good Friday. Celebration of the Lord's Passion, n. 19.

⁷³ Cf. Mi 6:3-4.

* Cf. Second Vatican Council. Constitution on the Sacred Liturgy *Sacrosanctum Concilium*, n. 13

⁷⁴ Cf. *Roman Missal*. Holy Saturday; The Apostles Creed; 1 Pet 3:19.

⁷⁵ Cf. General Instruction on the Liturgy of the Hours, n. 210

The image of Christ crucified or lying in the tomb, or the descent into hell, which mystery Holy Saturday recalls, as also an image of the Sorrowful Virgin Mary, can be placed in the church for the veneration of the faithful.

On this day the Church abstains strictly from the celebration of the Sacrifice of the Mass.⁷⁷ Holy Communion may be given only in the form of Viaticum. The celebration of marriages is forbidden, as also the celebration of other sacraments, except those of Penance and the Anointing of the Sick.

The faithful are to be instructed on the special character of Holy Saturday. Festive customs and traditions associated with this day on account of the former practice of anticipating the celebration of Easter on Holy Saturday should be reserved for Easter night and the day that follows.

VII. Easter Sunday of the Lord’s Resurrection

a) The Easter Vigil

According to a most ancient tradition, this night is “one of vigil for the Lord.”⁷⁸ and the Vigil celebrated during it, to commemorate that holy night when the Lord rose from the dead, is regarded as the “mother of all holy vigils.”⁸⁰ For in that night the Church keeps vigil, wailing for the resurrection of the Lord, and celebrates the sacraments of “Christian initiation.”⁸¹

I. The meaning of the nocturnal character of the Easter Vigil

“The entire celebration of the Easter Vigil takes place at night. It should not begin before nightfall, it should end before daybreak on Sunday.”⁸² This rule is to be taken according to its strictest sense. Reprehensive are those abuses and practices which have crept in many places in violation of this ruling, whereby the Easter Vigil is celebrated at the time of day that it is customary to celebrate anticipated Sunday Masses.⁸³

Those reasons which have been advanced in some quarters for the anticipation of the Easter Vigil, such as lack of public order, are not put forward in connection with Christmas night, nor other gatherings of various kinds.

Roman Missal. Holy Saturday.
⁷⁷ SRC. *Deer. Maxima Redemptionis nostrae mysteria* (November 16, 1955). n. 2. AAS 47 (1955). 843
⁷⁸ Cf. Ex 12:42.
⁷⁹ St Augustine. *Sermo* 219, *PL* 38. 1088,
⁸⁰ *Caeremoniale episcoporum*, n. 332.
⁸¹ Cf. *ibidem*, n. 332; *Roman Missal*, The Easter Vigil, n. 3
⁸² Cf. SRC, Instr. *Eucharisticum mysterium*, (May 25, 1967) n. 28; AAS 59 (1967), 556-557

The Passover Vigil, in which the Hebrews kept watch for the Lord's Passover which was to free them from slavery to Pharaoh, was an annual commemoration. It prefigured the true Pasch of Christ that was to come, the night that is of true liberation, in which "destroying the bonds of death, Christ rose as victor from the depths."^w

From the very outset the Church has celebrated that annual Pasch, which is the solemnity of solemnities above all by means of a night vigil. For the resurrection of Christ is the foundation of our faith and hope, and through Baptism and Confirmation we are inserted into the paschal mystery of Christ, dying, buried, and raised with him, and with him we shall also reign.⁸⁵

The full meaning of this Vigil is a waiting for the coming of the Lord.⁸⁶

2. The structure of the Easter Vigil and the significance of its different elements and parts

The order of the Easter Vigil is so arranged that after the service of light and the Easter Proclamation, (which is the first part of the Vigil), Holy Church meditates on the wonderful works which the Lord God wrought for His people from the earliest times, (the second part or Liturgy of the Word), to the moment when, together with those new members reborn in Baptism) (third part), she is called to the table prepared by the Lord for His Church, the commemoration of His death and resurrection until He comes (fourth part).⁸⁷

This liturgical order must not be changed by anyone on his own initiative.

The first part consists of symbolic acts and gestures, which require that they be performed in all their fullness and nobility, so that their meaning, as explained by the introductory words of the celebrant and the liturgical prayers, may be truly understood by the faithful.

Insofar as possible, a suitable place should be prepared outside the church for the blessing of the new fire, whose flames should be such that they genuinely dispel the darkness and light up the night.

The paschal candle should be prepared, which for effective symbolism must be made of wax, never be artificial, be renewed each year, be only one in number, and be of sufficiently large size so that it may evoke the truth that Christ is the light of

^w *Roman Missal*, The Easter Vigil, n. 19, Easter Proclamation.

^{*1} Cf. Second Vatican Council. Constitution on the Sacred Liturgy *Sacrosanctum Concilium*, n. 6; cf. Rom 6 3-6. Eph 2 5-6; Col 2 12-13. 2Tim 2:11-12.

^f "We keep vigil on that night because the Lord rose from the dead; that life . . . where there is no longer the sleep of death began for us in this flesh; being thus risen, death will be no more nor have domination. . . . If we have kept vigil for the risen one, he will see that we shall reign with him forever," St. Augustine. *Senno Guelferbytan*, 5, 4 *PLS* 2, 552.

Cf. *Roman Missal*, The Easter Vigil, n. 7

the world. It is blessed with the signs and words prescribed in the Missal or by the conference of bishops.⁸⁸

The procession, by which the people enter the church, should be led by the light of the paschal candle alone. Just as the children of Israel were guided at night by a pillar of fire, so similarly Christians follow the risen Christ. There is no reason why to each response "Thanks be to God" there should not be added some acclamation in honor of Christ.

The light from the paschal candle should be gradually passed to the candles which it is fitting that all present should hold in their hands, the electric lighting being switched off.

The deacon makes the Easter Proclamation, which tells by means of a great poetic text the whole Easter mystery placed in the context of the economy of salvation. In case of necessity, where there is no deacon, and the celebrating priest is unable to sing it, a cantor may do so. The bishops' conferences may adapt this proclamation by inserting into it acclamations from the people.⁸⁹

The readings from Sacred Scripture constitute the second part of the Vigil. They give an account of the outstanding deeds of the history of salvation, which the faithful are helped to meditate calmly upon by the singing of the responsorial psalm, by a silent pause, and by the celebrant's prayer.

The restored "Order" of the Vigil has seven readings from the Old Testament chosen from the Law and the Prophets, which are generally in use according to the most ancient tradition of East and West, and two readings from the New Testament, namely, from the Apostle and from the Gospel. Thus the Church, "beginning with Moses and all the Prophets" explains Christ's paschal mystery.⁹⁰ Consequently wherever this is possible, all the readings should be read in order that the character of the Easter Vigil, which demands the time necessary, be respected at all costs.

Where, however, pastoral conditions require that the number of readings be reduced there should be at least three readings from the Old Testament, taken from the Law and the Prophets; and the reading from Exodus chapter 14 with its canticle must never be omitted.⁹¹

The typological import of the Old Testament texts is rooted in the New, and is made plain by the prayer pronounced by the celebrating priest after each reading, but it will also be helpful to introduce the people to the meaning of each reading by means of a brief introduction. This introduction may be given by the priest himself or by a deacon.

National or diocesan liturgical commissions will prepare aids for pastors.

⁸⁸ Cf. *ibidem*, nn. 10-12.

⁸⁹ Cf. *ibidem*, n. 17.

⁹⁰ Lk 24:27; cf. Lk 24:44-45.

⁹¹ Cf. *Roman Missal*, The Easter Vigil, n. 21.

Each reading is followed by the singing of a psalm, to which the people respond.

Melodics should be provided for these responses, which are capable of promoting the people's participation and devotion.⁹² Great care is to be taken that trivial songs do not take the place of the psalms.

After the readings from the Old Testament, the hymn "*Gloria in excelsis*" is sung, the bells are rung in accordance with local custom, the collect is recited, and the celebration moves on to the readings from the New Testament. There is read an exhortation from the Apostle on Baptism as an insertion into Christ's paschal mystery.

Then all stand and the priest intones the "Alleluia" three times, each time raising the pitch. The people repeat it after him.⁹³ If it is necessary, the psalmist or cantor may sing the "Alleluia," which the people then take up as an acclamation to be interspersed between the verses of Psalm 117, which is so often cited by the Apostles in their Easter preaching.⁹⁴ Finally the Resurrection of the Lord is proclaimed from the Gospels as the high point of the whole Liturgy of the Word. After the Gospel a homily is to be given, no matter how brief.

The third part of the Vigil is the baptismal liturgy. Christ's Passover and ours is now celebrated. This is given full expression in those churches which have a baptismal font, and more so when the Christian initiation of adults is held, or at least the Baptism of infants.⁹⁵ Even if there are no candidates for Baptism, the blessing of baptismal water should still take place in parish churches. If this blessing does not take place at the baptismal font but in the sanctuary, baptismal water should be carried afterwards to the baptistry there to be kept throughout the whole of paschal time.⁹⁶ Where there are neither candidates for Baptism nor any need to bless the font. Baptism should be commemorated by blessing of water destined for sprinkling upon the people.⁹⁷

Next follows the renewal of baptismal promises, introduced by some words on the part of the celebrating priest. The faithful reply to the questions put to them, standing and holding lighted candles in their hands. They are then sprinkled with water; in this way the gestures and words recall to them the Baptism they have received. The celebrating priest passes through the main part of the church and sprinkles the people while all sing the antiphon "*Vidi aquam*" or another suitable

Cf *ibidem*. n. 23.

⁹¹ Cf *Caeremoniale episcoporum*, n. 352.

* Cf Acts 4:11–12. Mt 21:42; Mk 12:10; Lk 20:17.

¹ Cf *The Roman Ritual*. Rite of Baptism for Children, n. 6.

⁹² Cf *Roman Missal*. The Easter Vigil, n. 48.

¹ Cf *ibidem*, n. 45.

song of a baptismal character.^{9*}

The celebration of the Eucharist forms the fourth part of the Vigil and marks its high point, for it is in the fullest sense the Easter Sacrament, that is to say, the commemoration of the sacrifice of the Cross and the presence of the risen Christ, the completion of Christian initiation, and the foretaste of the eternal pasch.

Great care should be taken that this Eucharistic Liturgy is not celebrated in haste; indeed, all the rites and words must be given their full force: the general intercessions in which for the first time the neophytes now as members of the faithful exercise their priesthood,⁹ the procession at the offertory in which the neophytes, if there are any, take part; the first, second or third Eucharistic Prayer, preferably sung, with their proper embolisms;¹⁰ and finally Eucharistic Communion, as the moment of full participation in the mystery that is being celebrated. It is appropriate that at Communion there be sung Psalm 117 with the antiphon "Pascha nostrum," or Psalm 33 with the antiphon "Alleluia, alleluia, alleluia," or some other song of Easter exultation,

It is fitting that in the Communion of the Easter Vigil full expression be given to the symbolism of the Eucharist, namely, by consuming the Eucharist under the species of both bread and wine. The local ordinaries will consider the appropriateness of such a concession and the relevant circumstances."¹¹

3. Some pastoral considerations

The Easter Vigil Liturgy should be celebrated in such a way as to offer to the Christian people the riches of the prayers and rites. It is therefore important that authenticity be respected, that the participation of the faithful be promoted, and that the celebration should not take place without servers, readers and choir exercising their roles.

It would be desirable if on occasion provision were made for several communities to assemble in one church, wherever their proximity one to another or small numbers mean that a full and festive celebration could not otherwise take place.

The celebration of the Easter Vigil for special groups is not to be encouraged, since above all in this Vigil the faithful should come together as one and should experience a sense of ecclesial community.

The faithful who are absent from their parish on vacation should be urged to participate in the liturgical celebration in the place where they happen to be.

* Cf. *ibidem*, n. 47.

Cf. *ibidem*, n. 49. *The Roman Ritual*, Rite of Christian Initiation of Adults, n. 36.

^{1,9} Cf. *Roman Missal*, The Easter Vigil, n. 53; *ibidem*. Ritual Masses, 3. Baptism

^{10,1} Cf. *Roman Missal*, General Introduction nn. 240-242.

In the announcements concerning the Easter Vigil care should be taken not to present it as the concluding period of Holy Saturday, but rather it should be stressed that the Easter Vigil is celebrated “during Easter night.” and that it is one single act of worship. Pastors should be advised that in giving catechesis to the people they should be taught to participate in the vigil in its entirety.¹²

For a better celebration of the Easter Vigil, it is necessary that pastors themselves have an ever deeper knowledge of both text and rites, so as to give a proper mystagogical catechesis to the people.

b) Easter Day

Mass is to be celebrated on Easter Day with great solemnity. It is appropriate that the penitential rite on this day take the form of a sprinkling with water blessed at the Vigil, during which the antiphon “*Vidi aquam*,” or some other song of baptismal character should be sung. The fonts at the entrance to the church should also be filled with the same water.

The tradition of celebrating baptismal Vespers on Easter Day with the singing of psalms during the procession to the font should be maintained where it is still in force, and as appropriate restored.¹³

The paschal candle has its proper place either by the ambo or by the altar and should be lit at least in all the more solemn liturgical celebrations of the season until Pentecost Sunday, whether at Mass, or at Morning and Evening Prayer. After the Easter season the candle should be kept with honor in the baptistry, so that in the celebration of Baptism the candles of the baptized may be lit from it. In the celebration of funerals the paschal candle should be placed near the coffin to indicate that the death of a Christian is his own Passover. The paschal candle should not otherwise be lit nor placed in the sanctuary outside the Easter season.¹⁴

VIII. Easter Season

The celebration of Easter is prolonged throughout the Easter season. The fifty days from Easter Sunday to Pentecost Sunday are celebrated as one feast day, the “great Sunday.”¹⁵

The Sundays of this season are regarded as Sundays of Easter, and so termed, and they have precedence over all feasts of the Lord and over all solemnities.

¹² Cf. Second Vatican Council. Constitution on the Sacred Liturgy *Sacrosanctum Concilium*, n. 106.
¹³ Cf. General Instruction on the Liturgy of the Hours, n. 213.

¹⁴ Cf. *Roman Missal*. Pentecost Sunday, final rubric; *The Roman Ritual*. Rite of Baptism for children, Christian Initiation. General Introduction, n. 25

¹⁵ Cf. General Norms for the Liturgical Year and the Calendar, n. 22

Solemnities that fall on one of these Sundays are anticipated on the Saturday. ' Celebrations in honor of the Blessed Virgin Mary or the saints which fall during the week, may not be transferred to one of these Sundays.¹⁷

For adults who have received Christian initiation during the Easter Vigil the whole of this period is given over to mystagogical catechesis. Therefore, wherever there are neophytes, the prescriptions of the *Ordo initiationis Christianae adultorum*, nn. 37-40 and 235-239 should be observed. Intercession should be made in the Eucharistic Prayer for the newly baptized throughout the Easter octave in all places.

Throughout the Easter season the neophytes should be assigned their own special place among the faithful. All neophytes should endeavor to participate at Mass along with their godparents. In the homily and, according to local circumstances, in the general intercessions, mention should be made of them. Some celebration should be held to conclude the period of mystagogical catechesis on or about Pentecost Sunday, depending upon local custom. It is also appropriate that children receive their first Communion on one or other of the Sundays of Easter.

During Easter time, pastors should instruct the faithful who have been already initiated into the Eucharist on the meaning of the Church's precept concerning the reception of Holy Communion during this period.¹⁰⁹ It is highly recommended that Communion be brought to the sick also, especially during the Easter octave.

Where there is the custom of blessing houses in celebration of the Resurrection, this blessing is to be imparted after the Solemnity of Easter, and not before, by the parish priest, or other priests or deacons delegated by him. This is an opportunity for exercising a pastoral ministry.¹ The parish priest should go to each house for the purpose of undertaking a pastoral visitation of each family. There he will speak with the residents, spend a few moments with them in prayer, using texts to be found in the book *De Benedictionibus*.¹ In larger cities consideration should be given to the gathering of several families for a common celebration of the blessing for all.

According to the differing circumstances of places and people, there are found a number of popular practices linked to celebrations of the Easter season, which in some instances attract greater numbers of the people than the sacred liturgy itself; these are not in any way to be undervalued, for they are often well adapted to the

¹⁰⁹Cf. *ibidem*, nn. 5. 23.

¹Cf. *ibidem*, n. 58.

¹ Cf. *The Roman Ritual*, Rite of Christian Initiation of Adults, nn. 235-237. Cf. *ibidem*, nn. 238-239.

¹⁰ Cf. *CtC* c. 920.

¹¹ JSRC. Deer *Maxima redemptionis nostrae mysteria* (Nov. 16, 1955). n. 24. AAS 47 (1955). 847

¹² *De Benedictionibus*, caput 1. II. *Ordo benedictionis annuae familiarum in propriis domibus*

religious mentality of the faithful. Let episcopal conferences and local ordinaries therefore see to it that practices of this kind which seem to nourish popular piety be harmonized in the best way possible with the sacred liturgy, be imbued more distinctly with the spirit of the liturgy, in some way derived from it, and lead the people to it.^{112*}

This sacred period of fifty days concludes with Pentecost Sunday, when the gift of the Holy Spirit to the Apostles, the beginnings of the Church and the start of her mission to all tongues and peoples and nations are commemorated."

Encouragement should be given to the prolonged celebration of Mass in the form of a Vigil, whose character is not baptismal as in the Easter Vigil, but is one of urgent prayer, after the example of the Apostles and disciples, who persevered together in prayer with Mary, the Mother of Jesus, as they awaited the Holy Spirit.^{114*}

"It is proper to the Paschal festivity that the whole Church rejoice at the forgiveness of sins, which is not only for those who are reborn in Holy Baptism, but also for those who have long been numbered among the adopted children." By means of a more intensive pastoral care and a deeper spiritual effort, all who celebrate the Easter feasts will by the Lord's grace experience their effect in their daily lives.¹¹⁶

Given at Rome, at the Offices of the Congregation for Divine Worship, January 16. 1988.

Cong. for Div. Worship. 16 January 1988. circular letter, Prot. No. 120/88, *TPS* 33 (1988): 215-233; *Origins* 17 (1988): 677, 679-687; *National Bulletin on the Liturgy* 22 (1989): 51-68.

Usage of Liturgical Colors, December 1987. NCCB.

1. From time to time the Secretariat receives requests for a clarification concerning the liturgical colors of vestments for various feasts and seasons, especially with regard to the use of blue vestments during the season of Advent.

¹¹² Cf Second Vatican Council. Constitution on the Sacred Liturgy *Sacrosanctum Concilium*, n. 13. Cf. *CCO Orientamenti e proposte per la celebrazione dell'anno mariano*, (Aprìl 3.1987), nn. 3,51-56.

Cf. General Norms for the Liturgical Year and the Calendar, n. 23.

⁴ it is possible to combine the celebration of first Vespers with the celebration of Mass as provided for in the *General Instruction of the Liturgy of the Hours*, n. 96. In order to have a more profound knowledge of the mystery of this day. it is possible to have several readings from Holy Scripture, as proposed in the Lectionary. In this case, after the collect the reader goes to the ambo to proclaim the reading. The psalmist or cantor sings the psalm, to which the people respond with the refrain. Then all stand and the priest says: *Let us pray*, and after a short silent pause, he says (he prayer corresponding to the reading (for example, one of the collects for the ferial days of the seventh week of Easter).

^{1,5} St. Leo the Great. *Sermo 6 de Quadragesima*. 1-2. *PL* 54, 285.

¹¹⁶ Cf. *Roman Missal*, Saturday of the Seventh Week of Easter. Opening Prayer.

Blue is approved or used by other Churches, for example, the Evangelical Lutheran Church in America. The *Manual on the Liturgy* of the *Lutheran Book of Worship* states the following: “The traditional color of Advent is purple, the royal color of the coming King. The preferred color in the *Lutheran Book of Worship*, however, is blue, which has a precedent in the Swedish Church and in the Mozarabic rite” (page 22). Blue is also commonly used for Advent and other times by many Anglican and Episcopalian parishes.

According to the current usage of the Roman Rite in the United States, only those colors mentioned in the *General Instruction of the Roman Missal* (no. 308) and in the Appendix to the *General Instruction of the Roman Missal* (no. 308) have been approved by the National Conference of Catholic Bishops: (1) *white* for the offices and Masses of the Easter and Christmas seasons, feasts and memorials of the Lord (other than of his passion), feasts and memorials of Mary, the angels, saints who were not martyrs, All Saints, John the Baptist (June 24), John the Evangelist (December 27), Chair of St. Peter (February 22), Conversion of St. Paul (January 25); in the United States white may also be used for offices and Masses for the dead; (2) *red* for Passion (Palm) Sunday, Good Friday, Pentecost, celebrations of the Lord’s passion, birthday feasts of the apostles and evangelists, celebrations of the martyrs; (3) *green* for the offices and Masses of Ordinary Time; (4) *violet* for the offices and Masses of the seasons of Advent and Lent, and for the dead; (5) *black* (as well as violet and white) may be used for the offices and Masses for the dead; (6) *rose* may be used on *Gaudete* Sunday (Third Sunday of Advent) and on *Laetare* Sunday (Fourth Sunday of Lent).

The General Instruction also states: “On solemn occasions more precious vestments may be used, even if not of the color of the day” (*GIRM.* no. 309). The design and use of fabrics and materials in such “precious vestments” are left to the creativity of artists. The General Instruction also states the following with regard to other celebrations: “Ritual Masses are celebrated in their proper color, in white, or in a festive color; Masses for various needs and occasions are celebrated in the color proper to the day or the season or in violet if they bear a penitential character, for example, ritual Masses nos. 23, 28, and 40; votive Masses are celebrated in the color suited to the Mass itself or in the color proper to the day or season” (*GIRM.* no. 310).

Although *GIRM*, no. 308, also states that with regard to liturgical colors “the conference of bishops may choose and propose to the Apostolic See adaptations suited to the needs and cultures of peoples.” until the present the National Conference of Catholic Bishops has chosen only to propose and approve the use of white for funeral offices and Masses. This choice was accepted by the Apostolic See in January 1971 when the *Rite of Funerals* was confirmed.

For the present the NCCB has neither proposed nor approved the use of blue either for the season of Advent or for memorials and feasts of Mary, nor any other color. The Bishops’ Committee on the Liturgy reviewed this matter several years

ago. However, because of increasing discussion of the use of blue, the Bishops Committee on the Liturgy will give further consideration to the question.

NCCB Committee on the Liturgy, notices regarding liturgical colors, *BCL Newsletter* 23 (December 1987): 48.

Liturgical Color for Advent, September 1988. NCCB.

The December 1987 edition of the *Newsletter* contained a clarification on liturgical colors in response to the many questions that come to the Secretarial regarding the use of blue vestments during Advent. At the end of that article it was noted: "For the present the National Conference of Catholic Bishops has neither proposed nor approved the use of blue either for the season of Advent or for memorials and feasts of Mary, nor any other color. The Bishops' Committee on the Liturgy reviewed this matter several years ago. However, because of the increasing discussion of the use of blue, the Bishops' Committee on the Liturgy will give further consideration to the question."

Subsequently, the Liturgy Committee discussed the use of blue for Advent at its June meeting in Irving, Texas (see May/June 1988 *Newsletter*, page 20). The Committee declined to propose to the NCCB any change in the present liturgical color sequence for the United States. However, it did recommend that the following observations be made.

The present order of colors for the various seasons and celebrations of the liturgical year represents a gradual development which was not complete until the end of the medieval period. In the East, the Churches never developed a color sequence, and even today there is a great variety of colors in use. The Eastern Churches generally make a distinction between bright and dark colors, but allow the priest to choose the actual color that will be used for a particular occasion. The first sequence of colors in the West was apparently based on that which was used in the Latin Church of the Holy Sepulchre at Jerusalem during the twelfth century. However, when the Western Church began to establish color sequences for feasts and seasons, there remained a great deal of variety. Black, violet (purple), and blue were all seen to be various shades of the same color and were often used interchangeably. The inventories of vestments which were prepared at the beginning of the English Reformation provide us with information on the vast assortment of colors and hues that were used for liturgical vesture in England. It is only in the post-Tridentine liturgical books that one finds a defined sequence of liturgical colors for use throughout the Latin Church.

The official color for the seasons of Advent and Lent is *violet*. This color, which is often called purple, has a variety of shades ranging from blue-violet to red-violet. The shade that is traditionally known as "Roman purple" is actually a red-purple. Elsewhere in Europe, violet tended to be more blue-purple than the

Roman color. This difference is partially attributable to the variations in violet dyes obtained from shellfish in various regions of Europe.

Those who have proposed the use of *blue* for Advent have done so in order to distinguish between the Advent season and the specifically penitential season of Lent. The same effect can be achieved by following the official color sequence of the Church, which requires the use of violet for Advent and Lent, while taking advantage of the varying shades which exist for violet. Hence, the bluer hues of violet might be used Advent and the redder shades for Lent. Light blue vestments are not authorized for use the United States.

NCCB Committee on the Liturgy, notices regarding liturgical colors. *BCL Newsletter* 24 (September 1988): 35-36.

Reading the Gospel in Parts, June 1990. NCCB.

D. Is it permissible to read the Gospel in parts at the celebration of the Eucharist? If so, must a deacon or a priest always be involved?

R. This matter is not specifically treated in the *General Instruction of the Roman Missal*. In principle the gospel is proclaimed by a deacon, a priest other than the principal celebrant or, in their absence, the celebrant himself (*GIRM* 34). However, the gospel is not “reserved” to a deacon or priest as the homily is. Lay readers are specifically mentioned in the Sacramentary for *Passion Sunday. Liturgy of the Word* (p. 126. Catholic Book edition). While the part of Christ is ordinarily to be proclaimed by an ordained minister, allowance is made for an exception at times to this practice. This might particularly be called for when the Passion is to be sung by three lay chanters.

The Directory for Masses with Children provides for proclamation in parts (no. 47) when a reading lends itself to this. It follows that, at a Sunday Eucharist at which a large number of children participate, this norm might be applied at times. One must be careful, however, that this manner of proclamation not be overdone or abused. Often times those who prepare Masses with children actually hinder effective proclamation by using inadequately prepared children as readers or by reducing proclamation in parts to mere play-acting.

The proclamation of the gospel by several readers might be used effectively on the 3rd, 4th, and 5th Sundays of Lent (Year A) and on other occasions when the gospel lends itself to this manner of proclamation because of the dialogue between Jesus and other persons. However, such manner of proclamation should be used judiciously, and its use at “adult” Masses must be regarded as beyond the present norms, although not specifically contrary to them.

NCCB Committee on the Liturgy, notice regarding reading the gospel in parts. *BCL Newsletter* 26 (June 1990) 23.

Practices forbidden in liturgical celebrations. Private.

a) Clowning: February 27, 1987:

It is strictly forbidden that any form of clowning should take place in a church at any time. The Bishops Committee on the Liturgy has already issued a statement forbidding such behavior during the Liturgy.

We should like Your Excellency to take measures to ensure that the liturgy is carried out in every detail according to the prescribed norms.

b) Dance: April 27, 1987:

The second matter concerns a “Liturgical Dance Workshop” organized under the auspices of the Diocesan Liturgy Office for May 6, 1987. We should like to draw attention to the “Note concerning Dance in the Liturgy” published in *Notitiae* n. 11 (1975) pp. 202-205 where it is stated that dance is not permitted during the course of the celebration of the Liturgy.

c) Use of theatrical props: June 8, 1987:

During the past few months the attention of this Congregation has been brought to a number of cases concerning the celebration of Masses for Children in which the celebrant resorts to theatrical props as didactic aids. These include puppets and toys. Such means were never envisaged by the Directory of Masses for Children.

The position of this Congregation in this regard is that the use of puppets, toys and other theatrical props during the course of the celebration of the sacred Liturgy is not permitted under any circumstances. In schools and other places such didactic aids may be employed usefully.

Your office has made excellent efforts to ensure that sound catechesis be promoted and it can be disheartening to meet with such abuses. Similarly this Congregation does not want to be submerged with complaints as happened in the unfortunate period of “clown ministry”. The time which should be given by our Office to more important and pressing matters is lost. I know that Your Excellency readily shares this view, and therefore I remain, with every prayerful good wish,

Cong, for Divine Worship, responses to diocesan bishops regarding practices not suitable for use in liturgical worship. *RRAO* (1987) 10-11.

CANON 839

Pope John Paul II on Popular Piety and Liturgy', 24 April 1986.

I would like to draw your attention as pastors to one point in particular: that of popular piety and its relation to the liturgical life.

The Constitution on the Sacred Liturgy of the Second Vatican council contains an explicit reference to the problem, when in no. 13 it speaks of the “pious practices of the Christian people,” praising them and recommending them, provided that they are “in conformity with the laws and norms of the Church.” It follows from this that those manifestations of piety and of devotion which are still alive among the Christian people, for example, the pastoral feasts, pilgrimages to shrines, the various forms in which devotion to the saints is expressed, cannot be ignored or treated with indifference or contempt.

Popular piety or popular devotion is, in fact, as already noted by Paul VI in the Apostolic Exhortation *Evangelii Nuntiandi*, rich in values. “It manifests a thirst for God that only the simple and the poor can know. It makes people capable of generosity and sacrifice even to the point of heroism, when it is a matter of manifesting belief. It involves an acute awareness of the profound attributes of God: fatherhood, providence, loving and constant presence. It engenders interior attitudes rarely observed to the same degree elsewhere: patience, the sense of the cross in daily life, detachment, openness to others, devotion” (no. 48).

Certainly, however, not everything in these religious manifestations is of the same elevated quality.

Because they are human, their motivations can be mixed with feelings of powerlessness in face of the events of life, with a simple desire for security rather than a lively confidence in Providence or a feeling of gratitude and adoration. Furthermore, they are expressed in signs, gestures and formulas which sometimes take on an excessive importance, to the point of seeking the spectacular. Nevertheless, they are essentially manifestations that express the nature of man, and a recognition of man’s basic dependence as a creature on his Creator.

The fact that popular piety is at the same time a richness and a danger should stimulate the vigilance of the pastors of the Church. However, they should carry out their duty of providing orientation with a great degree of patience, because, as Saint Augustine already warned in reference to certain forms of the cult of the saints in his time, “We teach one thing: we are forced to tolerate another” (*Contra Faustum*, 20, 2LCSEL 25, 263).

What really matters, revered brothers, is that we take note of the permanence of the religious need of man, underlying the diversity of its expressions, and make a continuous effort to purify it and to elevate it through evangelization.

This method has always been followed by the Church, whether with regard to problems of inculturation, or regarding problems of popular piety and popular

devotions. This is the way the Church acted when she had to receive a host of new converts after the edict of Constantine. This happened too in the case of the barbarian peoples of Europe. Again the same thing happened with the peoples of the new world to whom the Gospel had to be preached. And the same thing happens today too, in the necessary adaptation to the nature and to the traditions of the various peoples (cf. the Constitution on the Sacred Liturgy, *Sacrosanctum Concilium*, 37-40). We need never forget the orders that Pope Gregory the Great gave to the Apostle of England, Saint Augustine of Canterbury: they were not to destroy, but were to purify and consecrate to God the pagan temples and also the religious customs with which the people were accustomed to celebrate the annual religious festivals of their life (cf. Gregory the Great: Jaffe. *Regesta Pontificum*, no. 1848. letter of 10 July, 601).

In a country of ancient Christian traditions like Italy, the popular religious manifestations have an undeniable Christian character. Many customs of this country had their origin in the feasts of the Church and are still linked to them. This fact must be pointed out, and in the event that these festivities should stray too far from their point of departure, every effort should be made to bring them back to their ancient origins.

It is our task as pastors to see to it that these acts of devotion be corrected if necessary, and especially that they do not degenerate into a false type of piety, superstition, or magical practices. Thus, the devotion to the saints expressed in the patronal feasts, pilgrimages, processions and so many other forms of piety, should not sink to the level of a mere search for protection for material goods or for bodily health. Rather, the saints should be presented to the faithful as models of life and of imitation of Christ, as the sure way that leads to him.

The best remedy against deviations, which are always possible, is to permeate these manifestations of popular piety with the word of the Gospel, leading those who thrive on these forms of popular piety from an initial and sometimes faltering belief to an act of authentic Christian faith.

The evangelization of popular piety will free it gradually of its defects; it will consolidate it through a process of purification so its ambiguities may acquire a character more clearly marked by faith, hope and charity. We must by no means underestimate the value of this word of catechesis. The people in general are undernourished in the matter of Christian doctrine: it will be necessary to nourish them with the Word, especially on these occasions when even those who normally never, or almost never, participate in the life of the Church are present.

In conclusion, it could be affirmed that in the lives of the faithful and of the Christian communities there is and there should be a place for forms of piety that do not strictly come under the category of liturgical celebration. This implies a requirement, these forms of piety should not be superimposed on the times for liturgical celebration; they should not be allowed to compete with the most important solemnities of the liturgical year. If there is a devotion that has a value

superior to all the others it is the devotion of the Church, namely, the cult it renders to God. its liturgical life, in the mysteries and in the seasons which follow each other in succession in the course of the year of the Lord.

A last practical consequence is that referred to in 1958 by Pope Pius XII: liturgical celebrations and pious exercises should never be mixed (cf. Congregation of Rites, *Instructio de Musica et Sacra Liturgia*, 3 [September 1958] no. 12).

As you can see, an authentic liturgical ministry will never be able to neglect the riches of popular piety, the values proper to the culture of a people, so that such riches be illuminated, purified and introduced into the liturgy as an offering of the people.

I encourage you in this effort to make popular piety become a kind of teaching through which the Christian people can attain to an ever more conscious, active and fruitful participation in the liturgy of the Church. Assuring you of my most cordial affection. I impart my Blessing to you and to the faithful entrusted to your pastoral care.

For complete text see English-language edition of *L'Osservatore Romano*, 12 May 1986, pp. 8-9; *BCL Newsletter* 22 (June/July 1986) 22-24.

Translation and Confirmation of Liturgical Texts:

- Cong. for Div. Worship. 19 February 1988, decree confirming *Rite of Christian Initiation of Adults*, *BCL Newsletter* 24 (March 1988): 9-10.
- Cong. for Div. Worship, 12 March 1990, decree confirming Spanish Mass texts. *BCL Newsletter* 26 (April/May 1990): 13.
- Cong. for Div. Worship, 19 March 1990. decree, promulgating second typical edition of Order for Celebrating Marriage, *BCL Newsletter* 27 (January 1991): 1.

CANON 844

Inter-communion with a Lutheran at a wedding. Private.

Letter from pastor to Congregation for the Sacraments. October 3, 1986:

I urgently need the official interpretation of canon 844, §3 as pertaining specifically to inter-communion at a Mixed Religion Nuptial Mass. For the second time in five years, I have been asked to administer Holy Communion to the Lutheran partner in a forthcoming Nuptial Mass. Five years ago, permission was refused. However, that was prior to the promulgation of the revised *Code of Canon Law*.

The crux of the matter is for me – as no doubt for many pastors in the United States – the interpretation of the statement in canon 844, §3: “Catholic ministers may licitly administer the sacrament(s) of... Eucharist... also (to) members of other churches which in the judgement of the Apostolic See are in the same

condition as the Oriental churches as far as these sacraments are concerned.” The question therefore is: is the Lutheran Church in the United States in the same condition as the oriental churches as far as the Eucharist is concerned? I might add that the Lutheran party would have no difficulty in approaching a minister of his own community within a day – or at most a week – of his wedding.

The question has also been raised as to whether, in the case of the Lutheran minister assisting at the wedding, it would be permissible for him to carry Eucharistic species on his person to our Church and administer communion to the Lutheran party at the same time that we do so to the Catholic. I would be deeply grateful for a response as soon as possible as we do not seem to have a consensus on the matter and the couple – and the Catholic bride’s parents – are very insistent.

Letter from Congregation for the Sacraments to pastor, October 16, 1986:

This Congregation has just received your letter dated October 3, 1986 and hastens to reply to your request concerning inter-communion at a Nuptial Mass celebrated for a Catholic and a Lutheran.

The canon 844, §3 is not open to an interpretation which would at present allow it to be said that the Lutheran Church in the United States of America is in the same condition as the Oriental Churches as far as the Eucharist is concerned.

It would not seem to be opportune for the Minister of the Lutheran Church to bring the Eucharist to the Lutheran party.

Letter from pastor to Congregation for the Sacraments, December 2, 1986:

I wish to thank you most sincerely for your kind letter of October 16, 1986 in response to my query regarding the permissibility of administering Holy Communion to a Lutheran at a Nuptial Mass.

However, the priest who has been invited to officiate at the marriage ceremony – a Religious Order man who is chaplain at a secular university located in a nearby parish is alleged to contend that while it may be true that the Lutheran could not receive Holy Communion on the basis of canon 844, §3, nevertheless the Catholic minister may licitly administer the sacrament to him according to the prescription of the same canon, paragraph 4. But I find it difficult to see how – even though the young man did ask for it on his own the occasion of a Nuptial Mass would constitute “grave necessity” . . . “inability to approach a minister of his own community” and “manifestation of *Catholic* faith in the sacrament.” However, those who have been involved in inter-communion contend that while there may be a general norm, canon 844, §4 provides for the exception.

Therefore, diffident as I am about imposing upon Your Excellency once again. I still need to ask the question: Am I justified in refusing permission for the administration of Holy Communion to a Lutheran in this instance? The wedding

is scheduled for January 3, 1987.

Letter from Congregation for the Sacraments to pastor, December 15, 1986:

This Congregation has received your letter dated December 2, 1986, requesting further clarification regarding inter-communion at a Nuptial Mass celebrated for a Catholic and a Lutheran.

Canon 844, §4 does not permit that Communion be given to a non-Catholic in the case of a Nuptial Mass.

Permission which would be contrary to the canon, to give Holy Communion may not be given.

Exchange of letters between U.S. pastor and Cong for the Sacraments. Prot. N. 1014/86 *RRAO* (1987): 7-9.

Particular Legislation: Norms for Sacramental Sharing.

The Gambia. Liberia, and Sierra Leone:

The permission of the local diocesan bishop is required before administration of the sacraments of penance, Eucharist and anointing of the sick to other Christians not in full communion with the Church and who cannot approach a minister of their own community.

This will only be granted in danger of death or other grave necessity judged to be such by the diocesan bishop and provided they manifest Catholic faith in these sacraments and are properly disposed.

ITCABIC. 3(1986). p. 6.

Nigeria:

The Catholic Bishops' Conference of Nigeria leaves the judgement of the existence of such grave or urgent need to the diocesan bishop.

PCN, p. 30.

Philippines:

The Catholic Bishops' Conference of the Philippines leaves to the judgement of the diocesan bishop to determine if there is some other grave and pressing need, aside from the danger of death, which may warrant "Catholic ministers to administer the sacraments of penance, the Eucharist and anointing of the sick to

other Christians not in full communion with the Catholic Church, who cannot approach a minister of their community and who spontaneously ask for them, provided they demonstrate the Catholic faith in respect to these sacraments and are properly disposed.”

CBCP, p. 30.

United States of America:

Guidelines for Receiving Communion

Publishers are to reproduce the following Guidelines for Receiving Communion in a prominent place in missalettes in the same type used for the responses of the assembly. They should consult with the Secretariat of the Bishops' Committee on the Liturgy prior to the issuance of the Guidelines for Receiving Communion in their publications.

For Catholics:

Catholics fully participate in the celebration of the Eucharist when they receive Holy Communion in fulfillment of Christ's command to eat His Body and drink His Blood. In order to be properly disposed to receive Communion, communicants should not be conscious of grave sin, have fasted for one hour, and seek to live in charity and love with their neighbors. Persons conscious of grave sin must first be reconciled with God and the Church through the sacrament of Penance. A frequent reception of the sacrament of Penance is encouraged for all.

For Other Christians:

We welcome to this celebration of the Eucharist those Christians who are not fully united with us. It is a consequence of the sad divisions in Christianity that we cannot extend to them a general invitation to receive Communion. Catholics believe that the Eucharist is an action of the celebrating community signifying a oneness in faith, life, and worship of the community. Reception of the Eucharist by Christians not fully united with us would imply a oneness which does not yet exist, and for which we must all pray.

For Those Not Receiving Communion:

Those not receiving sacramental Communion are encouraged to express in their hearts a prayerful desire for unity with the Lord Jesus and with one another.

For Non-Christians:

We also welcome to this celebration those who do not share our faith in Jesus. While we cannot extend to them an invitation to receive Communion, we do invite them to be united with us in prayer.

NCCB Admin. Com.. 8 November 1986, guidelines for receiving Communion. *BCL Newsletter* 22 (December 1986): 47-48.

CANON 846

Particular Legislation: Liturgical Books.

The Gambia, Liberia, and Sierra Leone:

The Conference decrees that only liturgical books approved by the Conference and the Holy See may be used in the celebration of the sacraments. The Conference will determine the use and extent of the introduction of the vernacular into liturgical celebrations, subject to approval by the Holy See.

ITCABIC. 3 (1986), p. 8.

CANON 851

Particular Legislation: Celebration of Baptism.

Canada:

In accordance with the prescriptions of canon 851, and taking into account Decree No. 23 of the Conference on the catechumenate. the Canadian Conference of Catholic Bishops hereby decrees that:

1. For adults and children having reached the age of reason who request baptism, the catechumenate process shall normally be observed according to the approved liturgical books and diocesan guidelines.
2. Adult catechumens are to be initialed into the Christian life, with the assistance of a special parochial or diocesan support group established for this purpose. Those who, at the conclusion of their preparation period, are recognized as being ready to receive the sacraments of Christian initiation are presented to the diocesan bishop who shall preside, personally or through a delegate, at the election of these

candidales.

3. The baptism of adults, at least of those who have completed their fourteenth year, is to be referred to the diocesan bishop so that he himself may confer it if he judges this appropriate.
4. The Easter Vigil is the privileged time for adult baptisms.
5. Christians who are already validly baptized in another non-Catholic ecclesial community and who wish to enter into full communion with the Catholic Church, shall follow a journeying similar to the catechumenate, with full respect however of their baptismal status (cf. *Ordo initiationis*, Appendix).
6. When a candidate requests baptism, confirmation or admission into the Catholic Church on the occasion of a forthcoming marriage, the two celebrations (initiation and marriage) should be spaced so as to allow suitable time for preparation of the sacraments.

OD no. 633: 05-04-91; *SC* 25 (1991), 487 and 489.

The Gambia, Liberia, and Sierra Leone:

Until the Conference approves the adaptation of the Rite of Christian Initiation of Adults drawn up by the national pastoral centres, the present Rite (approved for use in the United States, Great Britain, and Ireland) being used in the Conference is to be followed.

As far as possible, no adult is to be baptized who has not been brought through the various stages to sacramental initiation, according to norms which will be established by the Conference at some future date.

Each candidate is to have sponsors who will guide and encourage the catechumen to live a life in accordance with the call to the Christian way of life.

nCABIC 3(1986), p. 3.

CANON 852

Implementing *RCIA* for Children, 20 March 1990. NCCB.

With the implementation of the Tmal translation of the *Rite of Christian Initiation of Adults (RCIA)* on September 1, 1988, and the increased understanding that has been gained of this rite during the past few years, there has arisen the pastoral challenge of implementing that portion of the *RCIA* (Part 2, Chapter 1) which applies to the “particular circumstances” of children who have reached catechetical age and who have not yet been initiated.

There are now many families whose adult members are being initiated, or are reluming to the practice of the faith, and who have children of varying ages who have not yet received one or more of the sacraments of initiation. There are often, in the same family, older baptized but uncatechized children, and younger children who have been neither baptized nor catechized. According to the requirements of the RCIA, these family members are to be initialed in diverse ways. Unbaptized adults will be enrolled in the catechumenate and ultimately will receive all the sacraments of initiation at the same time. Baptized but uncatechized adults will be given the necessary catechetical formation and, if circumstances warrant, may be enrolled in an adapted form of the catechumenate for the already baptized; at the appropriate time they will receive the Eucharist and/or confirmation. Baptized but uncatechized children will receive the necessary catechesis for confirmation and the Eucharist and will receive these sacraments, in so far as possible, at the same time as their classmates. Unbaptized children of catechetical age will participate in a suitably adapted form of the catechumenate and, after the necessary period of formation, will receive all three sacraments of initiation at the same time. Unbaptized infants and small children will be baptized and then will participate in the usual catechetical and sacramental formation program for those baptized in infancy.

Thus, within the same family individuals may be initiated at different times and in different ways, depending upon their age, whether or not they have been baptized, and the extent to which they have previously been formed in the Christian life. Those responsible for catechesis must clearly explain to families the various approaches to the Christian formation and sacramental initiation of their family members which correspond to these different factors.

The NCCB/USCC Committees on Pastoral Research and Practice, Liturgy, and Education recognize the challenge which these varying situations present for pastors and religious educators. Nevertheless, the initiation of unbaptized children who have reached the age of discretion must always conform to the requirements of the *Rite of Christian Initiation of Adults*. These persons are to be admitted into a form of the catechumenate which has been adapted to the particular needs of children (see *RCIA*, nos. 252-259). They will receive the three sacraments of initiation once they have been suitably formed in the Christian way of life and have established that they are ready for the sacraments (see *RCIA*, no. 256). The confirmation of such children should not be separated from the other sacraments of initiation to which it is integrally related.

Because the members of the National Conference of Catholic Bishops have not set a uniform age for confirmation of those who were baptized as infants, it will be necessary for pastors and religious educators to explain that varying practices regarding the age of those to be confirmed and the sequence of the reception of confirmation and Eucharist exist in our country. They should provide the appropriate catechesis and rites of initiation necessary for the initiation of

individuals into the sacramental life of the Church in conformity to diocesan regulations.

The Committees on Pastoral Research and Practices, Liturgy, and Education also recognize the need for new instructional materials, methods, and models to compensate for the lack of published sacramental preparation materials for older children preparing for confirmation and for lectionary-based catechesis. The Department of Education's Task Force preparing guidelines for catechetical materials will keep this in mind and share these needs with the publishers of catechetical materials.

The Committees on Pastoral Research and Practices, Liturgy, and Education express their appreciation for all that religious educators are striving to do in the face of these pastoral challenges, and encourage them to continue informing the NCCB/USCC committees of their pastoral experiences so that the church may provide for the faith formation of our people.

Joint Statement NCCB committees on the Pastoral Challenge of Implementing the Rite of Christian Initiation of Adults for Children Who Have Reached Catechetical Age. 20 March 1990, *BCL Newsletter* 26 (1990): 9-10.

CANON 854

Particular Legislation: Baptism by Infusion.

The Gambia, Liberia, and Sierra Leone:

Baptism is to be ordinarily carried out by pouring, but immersion may be used with the approval of the local diocesan bishop.

ITCABIC. 3 (1986). p. 6.

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Nigeria:

The Episcopal Conference upholds baptism by infusion. However, baptism by immersion may be allowed by the local Ordinary by way of experiment.

PCN. p. 30.

CANON 877

Particular Legislation: Registering the Baptisms of Adopted Children.

Canada:

In accordance with the prescriptions of canon 877, §3, the Canadian Conference of Catholic Bishops hereby decrees that baptism may not lawfully be administered before adoption has taken place unless:

- 1. there has been a specific request by the natural parent(s) that the child be baptized and there is a founded hope that the child will be brought up in the Catholic faith; OR
- 2. there is danger of death.

If the adopting parents are aware that the child was baptized before adoption, they are to ask that the following note be made in the baptismal register:

“This child was legally adopted
as(name)
on(date)
at(place)
by(names of adopting parents).”

Thereafter the certificate of baptism will carry only the child’s adopted name and the names of the adopting parents.

However, the prescriptions of civil law shall be observed regarding the registration of baptisms and issuing of certificates.

This decree is effective January 1, 1988.

OD no. 578; 01-12-87; SC 22 (1988), pp. 209 and 211.

The Gambia, Liberia, and Sierra Leone:

Parish priests are to follow the civil law of the nation concerning the registration of the names of adopting and natural parents when an adopted child is baptized.

The names of the natural parents are to be recorded in a secret parish register if their names do not appear on the ordinary baptismal register.

rrCABIC. 3 (1986). p. 3.

Nigeria:

The Catholic Bishops' Conference of Nigeria directs as stipulated in the code that:

In the case of an adopted child, the names of the adopting parents are to be registered and the names of the natural parents as well in accordance with §§1-2 of this canon.

PCN, p. 30.

South Africa:

In accordance with the prescriptions of canon 877, §3, the Southern African Catholic Bishops' Conference hereby decrees that if the adoptive parents are aware that the child was baptized before adoption, they are to ask that the following note be made in the baptismal register:

“This child was legally adopted
as (name)
on (date)
at (place)
by (names of adoptive parents)”

Thereafter the certificate of baptism will carry only the child's adopted names and the names of the adoptive parents.

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United States of America:

Until a study is completed, the National Conference of Catholic Bishops authorizes diocesan bishops to establish norms for recording baptisms of adopted children for their own dioceses.

Editor's Note: This item is of historical significance only. Complementary norms were established in December 2000. www.nccbuscc.org/norms.

CANON 891

Particular Legislation: Age of Confirmation.

Canada:

In accordance with the prescriptions of canon 891, the Canadian Conference of Catholic Bishops hereby decrees that the sacrament of confirmation in the Latin rite shall be conferred at the age determined in the approved catechetical programmes.

OD no. 569; 26-06-87; *SC* 22 (1988), p. 201.

The Gambia, Liberia, and Sierra Leone:

It is left to the local diocesan bishop to decide the age at which confirmation is to be conferred. Only those who have completed the approved diocesan programme may be confirmed.

ITCABIC. 3(1986), p. 6.

Nigeria:

The Catholic Bishops' Conference of Nigeria leaves the determination of age other than that of discretion for confirmation to the discretion of the local Ordinary.

PCN. p. 31.

United States of America:

The National Conference of Catholic Bishops authorizes diocesan bishops to determine the age at which the sacrament of confirmation is conferred in their dioceses.

Editor's Note: This entry is of historical interest only. A new complementary' norm was issued as of July 1, 2002. See www.nccbuscc.org/nonns.

CANON 895

Particular Legislation: Registering Confirmation.

The Gambia, Liberia, and Sierra Leone:

Each parish or central mission is to have a register of confirmation, to be kept in a safe place.

rrCABIC, 3 (1986), p. 6.

Nigeria:

The Catholic Bishops' Conference of Nigeria noted that many dioceses in the country already keep parish confirmation registers and directs that all dioceses do the same.

PCN, p. 31.

South Africa:

In accordance with the prescriptions of canon 895, the Southern African Catholic Bishops' Conference hereby decrees that in view of the long-established practice within its territory, a register of Confirmation is to be kept in each parish rather than in a central register at the diocesan curia.

The Conference further decrees that in accordance with canon 535, §1, in addition to the registers of Baptisms, of Marriages and of Deaths, there are to be in each parish of its territory, registers of Confirmations, of the Reception of Converts, and (where applicable) of burials in the parish cemetery.

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CANON 902

Guidelines for Concélébration of the Eucharist, 23 September 1987. NCCB.¹

Introduction

The following guidelines are provided to highlight the significance of concélébration of the Eucharist as a sign of unity and Church order. As a unique collegial act of the Church at prayer, the concelebrated Eucharist should be neither abused nor ignored. What is important for members of the liturgical assembly applies as well to bishops and priests who concelebrate: no one in the Eucharist is required to say every word, perform every gesture, ritualize every action. The Eucharist, whether ritually concelebrated or not, is a collegial act which depends on the authentic collaboration of all the ministers and the assembly presided over by the bishop or one of the presbyters.

The proper and effective celebration of the Eucharist always requires preparation according to the principles laid down in the *General instruction of the Roman Missal* (= *GIRM*), no. 73. [Unless otherwise noted, all citations in these *Guidelines* are from *Documents on the Liturgy, 1963-1979: Conciliar, Papal, and Curial Texts* (Collegeville, MN: The Liturgical Press, 1982).] Planning is especially necessary for all concélébrations of the Eucharist. Therefore, the norms laid down in the *General Instruction of the Roman Missal*, nos. 153-208, should be followed carefully. The following additional guidelines and procedures were approved by the Bishops' Committee on the Liturgy on 23 March 1987 and by the Administrative Committee of the National Conference of Catholic Bishops on 23 September 1987. These guidelines are meant to assist in the preparation and in the actual concélébration of the Eucharist.

Regulation of Concélébration

I. In accord with the law, the bishop possesses the right to regulate the discipline for concélébration in his diocese, even in churches and oratories of exempt religious (see *GIRM* 155). Accordingly, the bishop may establish diocesan guidelines regarding the aptness of concélébration, its advisability on certain occasions, the number of concélébrants, and the physical arrangements of his cathedral and parish churches for concélébration.

¹On 23 September 1987, the Administrative Committee of the National Conference of Catholic Bishops approved a revised edition of the CFTCOTE which first appears in 1978 in Study Text 5: Eucharistic Celebration. The purpose of these guidelines is to assist diocese to establish their own norms for concélébration

Apiness of Concélébration

2. “Concélébration is a sign and a strengthening of the fraternal bond of priests and of the whole community, because this manner of celebrating the sacrifice in which all share consciously, actively, and in the way proper to each is a clearer portrayal of the whole community acting together and is the preeminent manifestation of the Church in the unity of sacrifice and priesthood and in the single giving of thanks around the one altar” (Declaration *In celebratione Missae*, 7 August 1972, no. 1).
3. In particular cases, the decision to permit concélébration of the Eucharist should be based on whether or not the unity of the Church is more clearly manifested and whether or not the concélébration can take place with “propriety and genuine reverence” (*In celebratione Missae*, no. 3a).

Advisability of Concélébration

4. Besides those instances when the *Rite of Concélébration* prescribes it, the *General Instruction of the Roman Missal* indicates other occasions when concélébration is permitted (no. 153). Concélébration is also recommended at those times when it is appropriate for the priests of diocese to concelebrate with their own bishop or when priests gather with their bishop on the occasion of a retreat or a meeting with the bishop.
5. At other times, the diocesan bishop should judge whether concélébration is advisable or opportune. For example, according to diocesan guidelines, the bishop should judge whether concélébration is opportune at diocesan, regional, or national meetings or conventions which take place within the diocese. At times it may be necessary for the bishop to issue norms or guidelines to cover specific local situations.

Number of Concélébrants

6. The bishop may regulate the number of concélébrants, if the dignity of the rite demands it (*Rite of Concélébration*, [7 March 1965], Introduction, no. 3). The number of concélébrants at a specific celebration is dependent on the pastoral considerations indicated above (no. 3-4), as well as on the space available in the presbyterium and around the altar (*Rite of Concélébration*, no. 4).
7. Great numbers of concélébrants, such as at regional or national meetings or conventions, may have a deleterious pastoral effect and may even hinder a sense of the unity of the gathered assembly. In such cases, it may be appropriate to designate a specific number of concélébrants. Priests chosen to concelebrate should be truly representative of the larger group. Such a limitation on the number of concélébrants should be understood as a pastoral response to the ritual problems

which may occur because of the great number of priests who may be present rather than as an attempt at exclusion. Pastoral sensitivity toward all members of the assembly should be exercised in planning the Eucharist on such occasions.

8. In those cases when the number of concélébrants is limited for legitimate reasons, those in charge of planning should provide opportunities for the non-concelebrating priests to celebrate the Eucharist at another time each day of the convention or meeting.

Physical Arrangements

9. Concélébrants should be seated together as a group. They should not be intermingled with the assembly nor should anyone be seated between the concélébrants and the altar. If the space in the presbyterium is not large enough to accommodate the concélébrants appropriately, they may be seated in another area which physically and visually unites them with the liturgical action.

10. The position of the concélébrants should not obscure the fact that only one bishop or one presbyter presides over the whole celebration. Furthermore, the position of the concélébrants should not usurp the positions nor limit the functioning of other liturgical ministers nor block the view of the assembly. These same concerns apply to those situations when the Eucharist is concelebrated in a setting other than a church or chapel.

Vesture

11. The color and form of the vestments and their difference from everyday clothing call attention to the liturgical role of the concélébrants. Vestments are part of the ritual experience and the festive character of a liturgical celebration.

12. The guidelines for liturgical vestments for concélébration are clearly spelled out in the *General Instruction of the Roman Missal* (no. 161; see also Bishops' Committee on the Liturgy, *Environment and Art in Catholic Worship*, nos. 93-94).

13. In addition to the vestments indicated in the General Instruction, the chasuble-alb is approved for use by concélébrants in the dioceses of the United States (see *Newsletter of the Bishops' Committee on the Liturgy*, XIII [May-June 1977] 69 and XIV [April-May 1978] 16). If the chasuble-alb is used, the stole worn over it should be the color indicated for the Mass which is to be celebrated, if this is possible. The principal celebrant, however, is to wear the alb, stole, and chasuble.

14. Priests may not concelebrate in ordinary clerical garb or by wearing the stole over the cassock or street clothing. Nor may priests of religious institutes concelebrate merely by placing a stole over the monastic cowl or habit (see the Instruction of the Congregation for Divine Worship *Liturgicae instaurationes*, "On the Orderly Carrying out of the Constitution on the Liturgy," [5 September 1970], no. 8c).

15. If chasubles are worn by all the concelebrants, they should be simpler in their decoration than that of the principal celebrant. If a sufficient number of chasubles is not available, and in order to avoid the impression of two classes of concelebrants, it may be preferable for all the concelebrants to be vested in albs and stoles.

Reverence to the Altar

16. As the concelebrants approach the altar during the entrance procession, they reverence it with a deep bow. If the Blessed Sacrament is directly behind the altar, a genuflection is made instead of a bow. If the Blessed Sacrament is located to the side or is not directly in view, only the altar is revered. After each concelebrant has revered the altar, he kisses it and goes directly to his seat.

Preparation of the Altar and the Gifts

17. The rites for the preparation of the gifts are carried out by the principal celebrant; the other concelebrants remain at their places” (*GIRM* 166). However, the deacon assists the principal celebrant at the altar. The gifts of bread and wine are brought in procession and are placed on the altar in the usual way (see *GIRM* 49-53). When there are to be great numbers of communicants and all the ciboria cannot be conveniently placed on the altar, some of the concelebrants may hold the ciboria in their hands during the Eucharistic prayer.

Approach to the Altar

18. The concelebrants approach the altar for the Eucharistic prayer after the principal concelebrant has concluded the prayer over the gifts. If there is a great number of concelebrants, only those who will proclaim an individual part of the Eucharistic prayer should be invited to stand with the principal celebrant at the altar.

Choice of Eucharistic Prayer

19. The Eucharistic prayer should be chosen prior to the celebration, either from among Eucharistic Prayers I-IV of the *Roman Missal* (Sacramentary) or from the Eucharistic Prayers for Masses of Reconciliation I-II (for the latter see *Eucharistic Prayers for Masses of Reconciliation*, Introduction, no. 5; Sacramentary, Appendix VI). However, in the case of Masses with children, “in view of the psychology of children it seems better to refrain from concelebration...” (see *Eucharistic Prayers for Masses with Children*, Introduction, no. 22; Sacramentary, Appendix VI).

20. If they are to be prayed by designated concelebrants, the intercessions should

be assigned prior to the beginning of the celebration. Whenever possible the intercessions should be recited from memory. In any case, cards or booklets containing the Eucharistic prayer should be provided especially to those concelebrants who will read one or more of the intercessions. In this way, the movement of the Sacramentary on the altar from one concelebrant to another will be avoided.

21. The intercessions are said with hands extended. Careful attention should be given to the manner in which the intercessions are divided (see *GIRM* 171-191). The principal celebrant may also say the intercessions himself.

Singing of the Eucharistic Prayer

22. Singing the Eucharistic prayer is a very solemn form of its proclamation. However, the Eucharistic prayer should not be sung unless the principal concelebrant and the concelebrants are able to sing it well.

Proclamation of the Eucharistic Prayer

23. When it is not sung, the Eucharistic prayer should be proclaimed by the principal celebrant in a loud and clear voice, while the concelebrating priests recite the *epiclesis*, words of institution, anamnesis, and post-consecratory *epiclesis* inaudibly. The concelebrants listen in silence during the post-sanctus and the intercessions. Recitation from memory by the concelebrants is to be preferred to reading from cards or books. If the latter are used, the concelebrants should never rest them upon the altar.

Deacons and Other Ministers

24. When neither a deacon nor other ministers assist in a concelebrated Mass, their functions are to be carried out by one or more of the concelebrants (see *GIRM* 160). However, every effort should be made to provide a deacon and other ministers so that the various ministerial roles are always respected.

Gesture at the *Epiclesis*

25. The concelebrants hold their hands (or at least their right hand) outstretched toward the offerings, with the palm(s) facing down, in the traditional *epicletic* gesture during the *epiclesis* of the Eucharistic prayer (*GIRM* 174a, 180a, 184a, 188a). (Note the variation in Eucharistic Prayer I.)

Gestures at the Institution Narrative

26. During the institution narrative, each concelebrant may extend the right hand, with the palm facing to the side, toward the bread and the chalice. Unlike the gesture at the *epiclesis*, this gesture is optional and it may be omitted (*GIRM* 174c, 180c, 184c, 188c). However, a decision should be made before the celebration begins as to whether or not this gesture will be made.

27. All bow profoundly when the celebrant genuflects after the consecration of the bread and after the consecration of the wine.

Gestures during the Anamnesis and *Epiclesis*

28. The concélébrants hold their hands outstretched during the anamnesis and the post-consecratory *epiclesis*.

Doxology of the Eucharistic Prayer

29. During the final doxology of the Eucharistic prayer only the principal concelebrant elevates the paten with the consecrated bread, while the deacon raises the chalice. The concélébrants do not elevate other chances, ciboria, etc. If no deacon is present, one of the concélébrants may elevate the chalice.

30. All the concélébrants may join in the singing or recitation of the doxology or it may be sung or recited by the principal celebrant alone. The procedure to be followed should be decided before the celebration begins.

The Lord's Prayer

31. The principal celebrant, "with hands joined, introduces the Lord's Prayer; with hands outstretched, he then says [or sings] this prayer itself with the other concélébrants and the congregation" (*GIRM* 192). According to custom, the concélébrants may also hold their hands outstretched during the singing or recitation of the Lord's Prayer.

Prayers during the Communion Rite

32. The prayers of the communion rite are said by the principal celebrant alone. They may not be distributed for recitation by the concélébrants. Nor may they be recited by the concélébrants together with the principal celebrant (*GIRM* 193).

Sign of Peace

33. The sign of peace should not be overextended, thus delaying the rite of

breaking the bread (see *GIRM* 56b and 194; see also Bishops' Committee on the Liturgy. *The Sign of Peace* [Washington, DC: USCC, 1977]).

Breaking of the Bread

34. The Lamb of God begins only after the sign of peace is completed. During this litany the deacon (or, in his absence, one of the concélébrants) assists the principal celebrant in the breaking of the bread and the pouring of the wine (see *This Holy and Living Sacrifice: Directory for the Celebration and Reception of Communion under Both Kinds*, 43).

35. At least some of the Eucharistic bread should be broken for the concélébrants and the people. There is no reason that the concélébrants should each receive a half of a large host; rather, large altar breads that can be broken into many pieces should be used.

36. All present are to receive the Lord's Body from the bread consecrated at the same Mass (see *constitution on the Sacred Liturgy* 55; *GIRM* 56h: Instruction *Eucharisticum mysterium*, [25 May 1967]. no. 31). It is never permitted, however, to distribute communion to the concélébrants from the Sacrament consecrated at another Mass and reserved in the tabernacle.

37. The deacon distributes the hosts to the concelebrating priests after the breaking of the bread without saying the formula *The Body of Christ*. If there is a great number of concélébrants, they may receive the host and drink from the chalice while communion is being distributed to the faithful. In this case, the concélébrants may receive the host from a paten held by the deacon or one of the concélébrants; or the paten may be passed from one to another; or it may be left on the altar for each concelebrant to take as he approaches to receive from the cup (see *GIRM* 205).

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Invitation to Communion

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38. Only the principal celebrant shows the host to the people when he proclaims, *This is the Lamb of God...* Concélébrants do not elevate their hosts; rather they reverently hold the consecrated bread in the right hand with the left hand under it.

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Communion from the Cup

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39. Communion from the cup may be received in either of the following manners: the concélébrants approach the altar to receive from the cup; or the deacon may offer the cup to each concelebrant without saying the formula *The Blood of Christ* (*GIRM* 20 V).

40. All in the assembly may receive communion under both kinds (see *This Holy and Living Sacrifice*, 20-21). The number of ordinary ministers for communion

(and, if necessary, special ministers of Holy Communion), as well as the location of the communion stations, is to be determined beforehand. Deacons, when present, are to be ministers of the cup.

Ablutions

41. After communion, the deacon cleanses the vessels at the side table or, after the Mass has concluded, in the sacristy. In the latter case, the deacon covers the vessels and leaves them on a corporal on the side table to be washed after Mass (*GIRM* 138).

Reverence to the Altar

42. Before leaving, the principal celebrant reverences the altar in the customary manner. The concelebrants, however, do not kiss the altar (see *GIRM* 208).

NCCB Admin. Com., 23 September 1987. guidelines for concelebration. *BCL Newsletter* 23 (September/October 1987): 35-39.

CANON 910

Authentic Interpretation: Extraordinary Ministers of the Eucharist, 1 June 1988. AAS 80 (1988): 1373.

D. Whether the extraordinary minister of Holy Communion, deputed in accordance with canons 910, §2, and 230, §3, can exercise his or her supplementary function even when ordinary ministers, who are not in any way impeded, are present in the church, though not taking part in the Eucharistic celebration.

R. Negative.

Pont. Comm, for the Auth. Interp. of the Code of Canon Law. AAS 80 (1988) 1373; *RRAO* (1990): 114. **M H**

The proper function of extraordinary ministers of the Eucharist, 21 September 1987. Private.

Letter from Congregation for the Sacraments:

One of the forms more suitable for the lay participation of the faithful in the liturgical activity of the Church is undoubtedly the faculty granted to them to be able to distribute Holy Communion, as extraordinary ministers of the Eucharist (cf.

cc. 230. §3; 910. §2).

This faculty has indeed constituted from one viewpoint a real help for the celebrant as well as for the laity on the occasion of great numbers at the time of Holy Communion. It has given way, on the other hand, in some instances, to substantial abuses, often by leading to forgetfulness of the extraordinary character of this ministry, if one considers this to be of ordinary administration or as a type of reward with which one repays the collaboration of the laity.

We are treating of abuses which are verified if:

- the extraordinary ministers of the Eucharist ordinarily distribute Holy Communion together with the celebrant, whether this happens when the small number of those who desire to receive the Sacrament do not constitute a real necessity, or whether it happens in the presence of other concélébrants or other ordinary ministers who are available even if not celebrating.
- the extraordinary ministers, at the moment of Holy Communion, distribute it to themselves and to the faithful while the ordinary minister and the concélébrants, if there are any, remain inactive.

In light of numerous indications of such abuses, this Dicastery has requested from the Pontifical Commission for the Authentic Interpretation of the Code of Canon Law an exact interpretation of canons 910, §2. and 230, §3, regarding precisely the extraordinary minister of the Eucharist. The doubt was formulated in this manner:

“Whether the extraordinary minister of Holy Communion, appointed according to canons 910, §2, and 230. §3. may exercise his supplementary task when there are present in the church, even if they are not participating in the celebration of the Eucharist, unimpeded ordinary ministers.”

Having examined the problem, the above-mentioned Pontifical Commission, in a Plenary session of 20 February 1987, replied: “In the Negative.”

This authentic interpretation was approved by the Holy Father on 15 June 1987. and the faculty granted to this Congregation to communicate the matter to the Episcopal Conferences.

The reply of the Pontifical Commission clearly indicates that, in the presence of ordinary ministers (bishop, priest, deacon; cf. c. 910. §1). whether in the role of celebrant, or present but not participating in the celebration, provided that they are not impeded and in sufficient number, *the extraordinary ministers are not allowed* to distribute the Holy Eucharist either to themselves or to others.

In order, therefore, to bring a halt to the abuses taking place and to prevent others of this type, I ask Your Excellency to please communicate to the President

of the Episcopal Conference the above-mentioned authentic interpretation so that it may be made known firsthand to the Bishop members of the same Conference.

I will be grateful, thereafter, to Your Excellency if you would pursue the matter with particular care so that the clarification not be further ignored, but that it contribute to reestablishing the exact observance of liturgical discipline on a point of notable importance.

Letter from Cong. for the Sacraments to papal representatives, II Sept. 1987. 1988): 3-7.

Letter from the Pro-Nuncio to the NCCB President:

The Cardinal Prefect of the Congregation of Sacraments, in a circular letter to all Papal Representatives, has issued the following clarification with regard to extraordinary ministers of the Eucharist.

To be sure, the faculty granted to the laity enabling them to distribute Holy Communion as extraordinary ministers of the Eucharist (cc. 230, §3; 910, §2) represents without a doubt one of the more suitable forms of lay participation in the Church's liturgical action. On the one hand, this privilege has provided a real help to both the celebrant and to the congregation on occasions when there exists a large number of people receiving Holy Communion. On the other hand, however, in certain instances, significant abuses of this privilege have taken place. Such abuses have led to situations where the character of this ministry has been lost. At times, it also appears as though the designation of extraordinary ministers becomes a kind of reward to repay those who have worked for the Church.

Cardinal Mayer notes that the abuses he speaks of happen if:

- the extraordinary ministers of the Eucharist *ordinarily* distribute Holy Communion together with the celebrant, both when the number of communicants would not require their assistance, and when there are other concelebrants present or other ordinary ministers available, though not celebrating,
- the extraordinary ministers distribute Holy Communion to themselves and to the faithful while the celebrant and concelebrants, if there are any, remain inactive.

After receiving numerous indications of such abuses, the Congregation decided to seek an authentic interpretation of the appropriate canons from the Pontifical Commission for the Authentic Interpretation of the Code of Canon Law. The following doubt was formulated:

“Utrum minister extraordinarius Sacrae Communionis, ad normam cann. 910. par. 2 et 230. par. 3 deputatus suum munus suppletorium exercere possit etiam cum praesentes sint in ecclesia, etsi ad celebrationem eucharisticam non

participantes, ministri ordinarii qui non sint quoque modo impediti.”

The Pontifical Commission took up the question in its Plenary Session of February 20, 1987 and responded: *negative*.

This authentic interpretation was approved by the Holy Father on June 15, 1987 who then directed the Congregation for Sacraments to communicate the decision to the Episcopal Conferences.

The reply of the Pontifical Commission clearly indicates that, when ordinary ministers (Bishop, Priest, Deacon) are present at the Eucharist, whether they are celebrating or not, and are in sufficient number and are not prevented from doing so by other ministries, the extraordinary ministers of the Eucharist are not allowed to distribute Communion either to themselves or to the faithful.

Finally, Cardinal Mayer asks that you please convey these directives to the members of the Episcopal Conference,

Letter from Apostolic Pro-Nuncio to the Pres. of the NCCB. 21 Sept. 1987. *RRAO* (1988): 3-7

CANON 914

Relationship of First Communion and First Reconciliation, 13 August 1986. Private.

Pastoral considerations on the time of first confession, 20 December 1986:

Stress has been laid upon the actual ecclesiastical discipline concerning the time of first confession, confirmed by canon 914 of *CIC*. which prescribes that children, once they have reached the use of reason, have to be prepared to receive first communion after sacramental confession.

The basis for this observance, for children, is not so much the state of sin in which they may be, as the formative and pastoral aim: that is, to educate them, from a tender age, to the true Christian spirit of penance and conversion, to growth in self-knowledge and self-control, to the just sense of sin, even of venial sin, to the necessity of asking for pardon of God and above all to a loving and confident abandonment to the mercy of the Lord.

Such an education is mainly the task of the parents, educators and priests: they have to inculcate in the children more than the sense of sin, the serene joy over (the encounter with the Father who forgives, as it is signified in the form of the absolution recited by the priest.

The Fathers of the *Plenaria* took the opportunity of this subject to point out the necessity of rediscovering the implications of the Sacrament of Penance at every level: mentality of the faithful, conditions of the penitent, way of acting of the minister, form of the celebration.

In his concluding allocution to the members of the *Plenaria*, the Holy Father dwelt above all on Penance and stated that the Church is jealous of the Sacrament of Pardon and intends to remain faithful to the will of the Lord. He recommended an ever more adequate and deep catechetical engagement with the purpose of moving the faithful to appreciate and to receive this Sacrament frequently and with profit.

Cong, for the Sacraments, letter to President of the NCCB, 20 Dec. 1986. *RRAO* (1987): 12-13.

Specific Case Involving First Penance: 13 August 1986:

Allow me to give You some explanation about the problem “First Penance before First Communion” which was one of the items of the agenda of the recent Plenary Session of our Congregation. At the end of it the Holy Father addressed us and as you can see from the enclosed text of his speech, he has given the matter his full attention. He insisted upon the task and the duty of those who prepare the children for the First Penance and First Communion to do it so that, the joyous and liberating nature of the Sacrament of Reconciliation be put clearly in evidence.

It was well pointed out by the Fathers of the Plenary Session that just as children are instructed to beg pardon from their parents for their little misgivings, so they be also instructed to do the same toward their heavenly Father. It is a question of doing it in a way that the children feel that Confession is an encounter with their merciful heavenly Father.

To the objection that children are not capable of committing sins it was pointed out – besides the unfortunate and well known fact that conditions of modern life, social communication media and corrupted environment educate children only too soon to know and to commit sins beyond their age – that the child who has the idea of God, which is needed for the First Communion, has also the concept of sin.

Surely, it must be remembered that no one may be compelled to receive a Sacrament. But the pastoral aim should be to bring children to First Confession prior to First Communion. And just as they are to be encouraged to receive Communion more often, and not only once a year, so they are to be encouraged and led to Confession prior to First Communion, as a prudent pastoral practice desired by the Holy See.

In the light of what is explained above it seems that, contrary to what the Pastor mentioned in Mrs. Jones’ letter said, those who want Confession for their children before First Communion are not behind the times.

It could be useful – and I beg you to do it – to bring to the attention of the clergy of your Diocese the text of the above mentioned allocution of the Holy Father. It could help them to know and to follow the discipline slated by canon 914 and clearly confirmed by the Magisterium.

Please. Excellency, see in these observations the expression of our endeavor to

fulfill the task of our Congregation which is to watch over the Sacraments and to see to it that their administration be according to the order prescribed by the Magisterium.

This is, without any doubt, also the wish of Your Excellency.

Before finishing this letter may I ask you to let Mrs. Jones know, that she is certainly entitled to wish that her children receive First Communion after First Confession.

Cong, for the Sacraments, letter to diocesan bishop. 13 August 1986 *RRAO* (1987): 18-20

CANON 915

Bishop's letter to a public official on the right to receive the Eucharist, 15 November 1989. Private.

I regret to inform you that by your media advertisements and statements advocating the “pro-choice” abortion position in the public forum you are placing yourself in complete contradiction to the moral teaching of the Catholic church, and consequently I have no other choice but to deny you the right to receive the Eucharist in the Catholic Church. “No catholic can responsibly take a ‘pro-choice’ stand when the ‘choice’ in question involves the taking of innocent human life.”

The “pro-choice” stand is a choice for abortion. This is against both the teaching of the Catholic Church and divine law. The harm you are doing by espousing the “pro-choice” view will require great efforts to repair. Like those who have abortions, the guilt remains with them, and so will your guilt remain with you as an advocate of this most heinous crime.

Since the “pro-choice” stand involves the taking of innocent human life, it only proves how immoral abortion is. If you say abortion is a matter of choice, you are forgetting someone. “Pro-choice” is a phrase that is incomplete; it lacks an object. One must ask the natural follow-up: the choice to do what? In this case, it is the choice to take a child's life.

As a public official, instead of attacking the defenseless life of the unborn you should defend the life of the child, the child's inalienable right to life.

I pray that you will receive the light to form a right conscience on the fundamental teaching of God. The right to life is a fundamental right, and without it, there are no rights.

Refusal of Communion 15 November 1989. “Assemblywoman Refused Communion.” *Origins* 19(1998): 457.

CANON 924

1986 Principles regarding the use of *mustum* reiterated, 7 November 1988. Private.

Thank you for your letter of September 27, 1988, with which you presented a petition in behalf of Father X. a priest of your Archdiocese, to employ *mustum* in place of wine for the celebration of the Eucharist. One notes in the medical testimony accompanying this request that consumption of even a small amount of alcohol would have an adverse effect on Father's health and his ability to sustain his program of abstinence and sobriety. If Father's condition is such then as to preclude the preferred solution of intinction in his case (cf. *Responsa adproposita dubia*, [October 29, 1982], AAS LXXIV, p. 1298), this Dicastery is pleased to grant the requested permission for as long as such a total abstention from alcohol proves necessary.

May we take this opportunity to recall for you that by *mustum* is meant fresh juice from the grape or juice in which the fermentation process has been halted and which has been preserved by other methods which do not alter its substance. We would ask you to make sure that the product which Father will use in place of sacramental wine is in conformity with this understanding of true *mustum*.

Also, the use of this permission should be made with due caution to avoid creating any scandal for the faithful. It should be understood, then, that the permission is for Father personally and does not extend to the congregation for whom he may offer the Mass. In concelebrating Mass, he may receive Communion under the Species of Bread alone; he should not, however, preside at a concelebrated Mass.

CDF. 7 November 1988. letter to U.S. bishop. *RRAO* (1989): 4-5.

Induit for Use of *Mustum*, 16 May 1986. Private.

In your letter of May 10th instant, your Reverence transmitted to this Dicastery the petition of Reverend N.N. to use *must* instead of wine in the celebration of Mass. Based on the medical certificate which you enclosed, consumption of even the least amount of alcohol is prohibited to the petitioner. Given that this medical opinion renders impossible the preferred solution in such cases, namely, communion by intinction when celebrating Mass individually (cf. response to the proposed doubt. [October 29, 1982], AAS. LXXIV, p. 1298), this Congregation grants to the above named priest the permission to use *must* as long as he has to abstain from alcohol.

In this regard I hasten to add that *must* means grape juice, whether fresh or preserved, in which fermentation has been suspended (by freezing or some other

method which does not alter its nature). You are asked to ascertain that the product to be used by Father N.N. in place of wine which meets the requirements of genuine *must*.

The use of this permission requires prudence so that any scandal of the faithful be avoided. For this reason, this permission is granted to Father N.N. personally and is not to be extended to the assembly present when he celebrates Mass. When he concelebrates, the above named priest can communicate only under the species of bread. He should not preside at a concelebrated Mass.

Cardinal Ratzinger, prefect CDF. 16 May 1986, letter to religious superior *RRAO* (1986) 3-4

Induit for the use of *mustum* denied to a seminarian prior to ordination, 8 June 1987. Private.

The letter which you wrote last May 15th to the Pro-Nuncio, Archbishop Laghi, requesting for reasons of health that Thomas Jones, a seminarian of your Diocese, be allowed the use of *mustum* at Mass upon his ordination to the priesthood, has been forwarded to this Congregation for reasons of competence. With your petition, you note the scheduled date for this man's ordination to the diaconate. and indicate that Mr. Jones would wish to make use of the indult for *mustum* even at this point, if he should participate at Mass with a priest who enjoys this permission.

This Dicastery regrets to advise Your Excellency that it cannot grant the permission requested. Such an induit is envisioned only in the cases of priests who have developed problems of health so serious that even the solution proposed for difficulties of this nature, i.e., intinction (cf. *Responsa ad proposita dubia*, [October 29, 1982], AAS LXXI V, p. 1298) is impossible for them. It has never been admitted for other members of the faithful, who may simply receive the Eucharist under the Species of Bread alone.

Furthermore, in view of its responsibility to safeguard the integrity of the sacrament of Holy Orders, this Congregation is obliged to ask Your Excellency to consider whether Mr. Jones' inability to receive the Eucharist under the ordinary Forms may not affect his suitability as a candidate for ordination. If the medical judgment in Mr. Jones' case is correct, it would hardly seem justifiable to encourage his aspiring to the priesthood, given that his condition would hinder his offering the Mass in the normal manner the Church prescribes.

Cong. for the Doctrine of the Faith, 8 June 1987. letter to diocesan bishop. *RRAO* (1987) 1-2

Induit for the use of *mustum* denied to a sick lay person, 27 November 1986. Private.

This Congregation asks your kind understanding for the long but necessary

delay in responding to your letter of November 15, 1985. In that letter you submitted a petition for Mr. Joseph Doakes, a layman from your Archdiocese, to receive the Eucharist under the form of *mustum*. Your request was based upon the fact that this individual suffers from physical allergies to wheat and wine which are so severe as to prevent his receiving the Sacrament at all.

At the time of your visit to this Dicastery last October, it was indicated to you that the question involved in your request did not admit of an easy solution since it represented a departure from the Church's practice of permitting *mustum* only in the case of priests who, having developed some medical problem which necessitated their total abstention from wine, would employ it in order to be able to offer the Eucharist. Your petition was, therefore, the subject of a special study.

This Dicastery wishes to assure you that your request and the arguments which you presented in its support have been accorded its very careful consideration. It regrets to inform you, however, that the results of this study do not permit it at this time to grant the concession for *mustum* to Mr. Doakes. At the same time, we wish you to know that the Congregation has undertaken a particular examination of a whole complex of issues regarding the matter for the Eucharist. It is hoped that when this larger study has been completed it will be possible to render a definitive judgement upon cases such as the one you submitted.

At this stage, it would seem important to recognize that the right of the baptized Catholic, not hindered by law, penalty or grave sin, to receive the Eucharist, while secure, is nonetheless conditioned by the physical ability to ingest food. Part of that spiritual assistance which this individual and his family might expect from the Church's pastors, then, will involve their comfort and support for him in this state of physical incapacity with the constant encouragement that he join himself spiritually (*in voto Eucharistiae*) to the Eucharistic Lord whom he cannot physically receive in the Sacrament. While appreciating the sensitive problem posed by this case, this Dicastery remains confident that your pastoral concern and that of your priestly collaborators will handle it in the most opportune way.

Cong. for the Doctrine of the Faith. 27 November 1986. letter to diocesan bishop *RRAO* (1987): 2-3.

The use of *mustum* restricted to ordained priests, 12 April 1988. Private.

The Congregation is not able to grant such requests since *mustum* is an extraordinary exception envisioned only in cases of grave necessity and under strictly *limited conditions for those already ordained priests*. The indulgence is granted only in the cases of priests who have developed health problems so serious that even the solution proposed for difficulties of this nature, i.e., intinction (cf. *Responsa ad proposita dubia*, [October 29, 1982], *AAS*, LXXIV, p. 1298) is impossible for them.

The physical inability of a candidate preparing for priesthood to consume the ordinary forms of the Eucharist would seem to indicate the presence of an impediment to his reception of priestly Orders.

In an effort to avoid any further misunderstandings or disappointments, His Eminence Cardinal Ratzinger asks if the bishops of this country could be alerted to the policy and position of the Holy See on this question.

Apostolic Pro-Nuncio, letter to President of the NCCB. 12 April 1988. AAA6>(1988) I.

The “matter” of the Eucharist, 15 December 1987. Private.

This Congregation has received your letter of last October 16th with which you requested a dispensation for Walter, a layman from your Diocese, to receive the Eucharist consecrated under the form of a Ry-Krisp or rice wafer due to his serious allergic reactions to both wheat and grape confections, reactions corroborated by ample medical documentation which you also enclosed.

For several years now, as Your Excellency may be aware, this Dicastery has been studying various issues related to the matter of the Eucharist. A request stemming from circumstances similar to those of Walter occasioned a particular study of this question last year. The results of that study, however, did not indicate the possibility for any departure from the Church's practice. At the same time, the examination of a whole complex of issues in this field is continuing. It is hoped that when this larger study has been completed, it will be possible to render a definitive judgment upon cases such as the one you submitted.

At this stage, it would seem important to recognize that the right of the baptized Catholic, not hindered by law, penally or grave sin, to receive the Eucharist, while secure, is nonetheless conditioned by the physical ability to ingest food. Part of that spiritual assistance which this individual and his family might expect from the Church's pastors, then, will involve their comfort and support for him in this state of physical incapacity with the constant encouragement that he join himself spiritually (*in voto Eucharistiae*) to the Eucharistic Lord whom he cannot physically receive in the Sacrament. While appreciating the sensitive problem posed by this case, this Dicastery remains confident that Your Excellency's pastoral concern and that of your priestly collaborators will handle it in the most opportune way.

Cong, for the Doc. of the Faith. 15 December 1987. letter to diocesan bishop RRAO (1988): 2-3.

CANON 925

Communion under Both Kinds and certain Health Concerns, 11 November 1985. Private.

“The Eucharist has always been a source of Christian love and the center of ecclesial life, daily building up the life of all Christians.”¹ Because the Eucharist is so important in the life of Christians, “the Church is concerned with all aspects of the Eucharistic celebration, particularly the Rite of Holy Communion.”² In Holy Communion the faithful are joined to Christ and to one another through the reception of the Body and Blood of the Lord. The Eucharist is therefore the “sacrament of love, a sign of unity, a bond of charity, a paschal banquet in which Christ is consumed, the mind is filled with grace, and a pledge of future glory is given to us in the memorial of Christ’s death and resurrection.”³ Under no circumstances therefore should the Eucharist ever become a source of anxiety or contention or controversy.

In the Church’s long history, however, there have been times when anxiety and worry and even fear have attended upon the reception of the Lord’s Eucharistic Body and Blood. There are times when sickness prevented a communicant from receiving one or both species. There have been times when epidemics have prevented large numbers of Christians from approaching the Lord’s table for fear of becoming infected with disease. In the last several months a similar concern has come into being among some Catholics with regard to the transmission of acquired immunodeficiency syndrome (AIDS) and other communicable diseases when receiving the sacred Blood of Christ from a common chalice.

As a liturgical practice, Communion under both kinds was recently restored among Roman Catholics in the United States. It has been and continues to be a gift of great spiritual benefit. When first implemented according to the norms of *This Holy and Living Sacrifice: Directory for the Celebration and Reception of Communion under Both Kinds* the bishops of the United States affirmed the Church’s traditional preference for reception of the Blood of Christ directly from a chalice: “Because of its ancient sign value ‘*ex institutione Christi*’ Communion from the cup or chalice is always to be preferred to any other form of ministering the precious blood.”⁴

This Holy and Living Sacrifice: Directory for the Celebration and Reception of Communion Under Both Kinds (= Directory), November 1, 1985 (Washington, 1984).

¹ Directory, no. 4.

² Second Vatican Ecumenical Council, Constitution on the Sacred Liturgy *Sacrosanctum Concilium* (December 4, 1963), art. 47.

⁴ Directory, no. 44.

At the same time, however, the *Directory* also cautioned ministers of the chalice to take ordinary precautions for hygiene: “After each communicant has received the Blood of Christ, the minister shall carefully wipe both sides of the rim of the cup with a purificator. This action is both a matter of courtesy and hygiene. It is also customary for the minister to move the chalice a quarter turn after each communicant for the same reasons.”⁵

The usual requisites for hygiene and cleanliness are always to be observed when ministering the chalice to several communicants. The *Directory* also repeats the general legislation of the Church with regard to other forms of receiving the Blood of Christ, most notably the method of intinction.⁶

The genuine concerns about communicable diseases, along with the increased, and often misleading, publicity given to them require further pastoral response from the Church. The Bishops’ Committee on the Liturgy therefore encourages diocesan liturgical commissions and offices of worship to recall the norms of the *Directory* and, at the same time, to take note of the following information concerning the transmission of communicable diseases as slated by the Centers for Disease Control of the U.S. Department of Health and Human Services.

Since laboratory studies have shown that bacteria and viruses can contaminate a silver chalice and survive despite the alcohol content of the wine and wiping or rotating the cup, the potential exists for an ill parishioner or asymptomatic carrier to expose other members of the congregation by contaminating a common cup. If any diseases are transmitted by this practice, they most likely would be common viral illnesses such as the common cold, but transmission of other illnesses cannot be entirely excluded. During the past four years since AIDS has been studied, there has been no suggestion of transmission of the virus that causes AIDS by sharing utensils, including the common communion cup, or through any other means involving saliva.

“We are not aware of any specific episodes or outbreaks of any illness that have been associated with use of a common communion cup. However, it is important to understand that health officials would only become aware of a health risk from such a practice if it resulted in the transmission of unusual diseases or large clusters of common illnesses and subsequent investigation were successful in determining the vehicle of transmission. Viral respiratory disease might be transmitted frequently by a common cup, but the association may not be recognized or the disease may be attributed to respiratory or other forms of person-to-person contact.

Directory, no. 47.

Sec *Directory*, nos. 50-52

We are not aware of any epidemiological studies that have attempted to study the importance of a common communion cup in disease transmission. The lack of documented occurrence of disease is reassuring that the practice is not gravely hazardous, but it should not imply that there are no risks.

In summary, we cannot quantify a risk for disease transmission by use of a common communion cup nor can we provide an absolute endorsement that the practice is safe.⁷

In view of this statement the Bishops' Committee on the Liturgy does not believe that parishes need to suspend Communion under both kinds. The Committee, however, encourages those who may feel compelled to change their practice in this regard to minister the Blood of the Lord by the method of intinction, until further medical evidence warrants a return to their former practice. At the same time, pastors should advise those who are fearful that they have the option of receiving Christ under the species of bread alone. "For Christ, whole and entire, exists under the species of bread and under any part of that species, and similarly the whole Christ exists under the species of wine and under its parts."⁸

Pastors should exhibit common sense and pastoral solicitude both for the concerns of their people and for the liturgical practice which enables the faithful to experience the fullness of the Lord's presence in both the signs of bread and wine. Pastors should also advise communicants who have communicable illnesses to refrain from drinking from the chalice and to receive by intinction or receive the consecrated bread only.⁹

It should also be noted that persons with AIDS are more at risk from opportunistic infections than those who do not suffer from suppression of the immune system. The Church must demonstrate great pastoral care and solicitude for those who suffer from this affliction through prayer and works of charity.

As the "sacrament of love" and the "bond of charity" the Eucharist must always be the source of our unity in the saving death and resurrection of the Lord Jesus, who cared for the sick and afflicted. It is all too easy in our concern for our own well-being to forget or ignore the needs of those in our midst who suffer from illness or even to attempt to exclude the sick from our midst out of fear. But the love of God and the Eucharistic food of heaven, Christ's Body and Blood, compel

Letter from Donald R. Hopkins, MD, Assistant Surgeon General and Acting Director for the Centers for Disease Control (Atlanta) to Rev. John A. Gurrieri, Executive Director, Bishops' Committee on the Liturgy, September 4, 1985.

* Council of Trent. *Decree on the Most Holy Eucharist*. C. IV- *Transubstantiation* (DS 1640).

⁷ The methods of administering Communion under both kinds by the use of a common cup and by intinction are set forth in the *Directory*, nos. 44-52. If communion under both kinds by intinction is to be offered to the communicants, then no. 52 of the *Directory* must be followed: "If communion is given by intinction the communicant may never dip the eucharistic bread into the chalice."

us to ever greater acts of love for our fellow human beings.

Bishops' Committee on the Liturgy of the NCCB. 10 November 1985 *RRAO* (1986): 4-7

CANON 928

Moto proprio. Ecclesia Dei and the use of the Missal of 1962, 7 March 1989.
Private.

It has come to the attention of this Pontifical Commission that there is in the Archdiocese of Antioch a regularly scheduled, monthly Mass celebrated according to the Roman Missal of 1962 for the benefit of those of the Catholic faithful who appreciate in a particular way that Rite, and which has become a part of their personal spirituality. While I express sincere appreciation for the pastoral comprehension of these faithful on your part, it is on their behalf that I am writing this letter.

In the *Motu Proprio Ecclesia Dei* of 2 July 1988, the Holy Father invited the Bishops to support him in responding to the “rightful aspirations” of “all those faithful Catholics who feel attached to the Latin liturgical tradition, by a wide and generous application of the norms already issued some time ago by the Apostolic See for the use of the 1962 typical edition of the Roman Missal” (cf. nn. 5. c; 6. a. c). The ‘conditions’ expressed in the document referred to. *Quattuor abhinc annos*, of 3 October 1984, have been in a certain sense superseded by this call for a “wide and generous application” of them. Of course, the condition that those asking for the celebration of the Mass with the Missal of 1962 in no way call into question the validity or doctrinal integrity of the new Roman Missal promulgated by Pope Paul VI in 1970, retains its full force.

But, as to the exclusion of parish churches except for extraordinary cases, especially given the scarcity of non-parochial churches in the United States, this limitation should be qualified by the availability of other apt places of worship, that is, those able to accommodate the faithful who would wish to attend, and easily accessible to them. Nor should the celebration of Mass using the Missal of 1962 be excluded from Sundays, Holy Days, or even daily if the faithful duly ask for it. This was not excluded even from the Indult of 1984. While avoiding what might appear to be ‘propaganda’, general availability of information regarding such celebrations will help ensure the desired pastoral effect of them, avoiding any arbitrary interference with already scheduled parish celebrations.

By the new dispositions of 2 July 1988, the Holy Father extended to all local Ordinaries not only the possibility, but also a clear invitation to enlarge the application of the aforementioned grant within their jurisdictions, without need for a special recourse to this Commission.

I would ask you, therefore, at this time, if you might benevolently reconsider the pastoral needs warranting the application of the dispositions already given for the use of the Missal of 1962. It is the experience of this Commission that, where the application of these norms have been effected according to the concrete pastoral situation, the inroads of schismatic groups have been effectively curbed, and in some instances, even show signs of reversal.

I am confident that this appeal to Your Excellency will find that welcome and favorable echo in the spirit of brotherly collaboration with which I send it.

Pont. Com. *Ecclesia Dei*, 7 March 1989. letter to U.S. Bishop *RRAO* (1989): 5-7.

CANON 929

Choral Vestments, 18 March 1987. AAS 79 (1987): 603-604.

Letter of Anthony Cardinal Innocenti of Congregation for the Clergy to the Presidents of the Episcopal conferences: the meaning of the revocation of the more recent norms regarding choir vestments March 18, 1987.

As Your Eminences and Excellencies already know, on 30 October 1970 this Congregation for the Clergy by mandate of a Higher Authority and after hearing the opinions of the Episcopal Conferences of the Latin rite issued some norms regarding the choir vesture of Canons, Clerics with Benefices and Pastors.

More than three five year periods have elapsed since that day and it is evident that generally Chapters have promptly complied with these norms which were issued to make choir vesture take a more simple form according to the mind of the Second Vatican Council and the prescripts of the Constitution on the Sacred Liturgy, "*Sacrosanctum Concilium*." Nevertheless, there are not lacking some Chapters, which, having clearly neglected the aforementioned prescriptions, have proceeded to use clothing, and insignia which are illegitimate and which do not pertain to canons.

Having seen this distorted reason for so acting, which, sad to say, they have offered, this Dicastery, while it deplores these abuses which have so arbitrarily been introduced, at the same time invites Diocesan Ordinaries to be sedulously vigilant for the correct and orderly observance of the norms in force about this matter.

So that the force and sense of the norms that have already been issued may be more clearly evident, the Congregation for the Clergy thinks it opportune to intervene again about this matter, namely, as follows:

1. It confirms and insists upon the prescriptions issued on 30 October 1970.
2. It urges Chapters to observe canon 506. §2 C/C. by which it is prescribed

that the Statutes of Chapters be revised and the insignia of canons be determined with attention to the norms issued by the Holy See.

3. Derogating from the aforementioned norms, it concedes the faculty of using a mozeta of violet color¹ in place of the black or gray mozeta in individual cases for those Chapters who have sought the consent of the local Ordinary for it.
4. It declares that choir vesture can be used by the canons in the cathedral church at the time of liturgical celebration; outside of this situation, it is also licit for those canons whom the Bishop has deputed to act in his name in certain circumstances.
5. At the same time it declares that canons, who have received some honor from the Holy See, cannot use the insignia proper to this title in place of choir vesture.

While I ask that You, Your Eminence (Your Excellency) communicate all the above to the Most Excellent Members of your Episcopal Conference, I gladly take this opportunity to express my esteem.

"Norms" of 18 March 1987 regarding Choral Vestments, *AAS* 79 (1987): 603-604. also: *Communicationes* 19: 12-13.

CANON 941

Perpetual Exposition of the Blessed Sacrament, June-July 1986. Private.

Question: Is perpetual exposition of the Eucharist in parish churches permitted by liturgical and canon law?

1. Because Eucharistic worship is so important to the devotional and spiritual life of the Church, but also in order to avoid the abuses of the past, the Church today carefully and strictly regulates the exposition of this holy sacrament. The present discipline regarding all aspects of Eucharistic worship and devotion is governed by the *Roman Ritual: Holy Communion and Worship of Eucharist Outside Mass*, promulgated by decree of the Congregation for Divine Worship, 21 June 1973, and also by the revised *Code of Canon Law*, canons 934-944.

2. The Church situates its traditional teaching on Eucharistic worship and devotion in its doctrine on the Mass. This teaching is stated succinctly in the

¹Translator's Note: James-Charles Noonan, Jr., in his book, *The Church Visible* (Viking Penguin, New York, NY, 1996) 284-285, states that the "violet described in Roman vesture corresponds more to amaranth red." He goes on to state that in the text of his book, which is totally devoted to a description of the insignia and vesture worn by various persons in the Catholic Church, his "references will be made to red and purple. In reality, the colors referred to are properly, unless otherwise specified, amaranth red and fuchsia."

Congregation of Rites 1967 instruction *Eucharisticum mysterium* and is repealed in the decree promulgating *Holy Communion and Worship of the Eucharist Outside Mass*: “the celebration of the Eucharist in the sacrifice of the Mass is the true origin and purpose of the worship shown to the Eucharist outside Mass.” Moreover, “the principal reason for reserving the sacrament after Mass is to unite, through sacramental communion, the faithful unable to participate in the Mass, especially the sick and the aged, with Christ and the offering of his sacrifice.” The “practice of adoring (his sacrament and offering to it the worship which is due to God” resulted from Eucharistic reservation, “which became customary in order to permit the reception of communion.”

3. The decree also states: “Once the sacrifice is offered and while the Eucharist is reserved in churches and oratories,” Christ Jesus is present, “he is truly Emmanuel, ‘God with us’ He is in our midst day and night; full of grace and truth he dwells among us.” Therefore, because “the veneration and adoration which is due to God himself is to be shown to this holy sacrament, “as has always been customary in the Catholic Church,” the Church must strictly regulate the reservation of the Eucharist.

4. With regard to exposition, the Ritual states the following: “Exposition of the Eucharist, either in the ciborium or in the monstrance, is intended to acknowledge Christ’s marvelous presence in the sacrament.” Through exposition we are invited to that “spiritual union with him that culminates in sacramental communion.” Thus exposition “fosters very well the worship which is due to Christ in spirit and in truth” (no. 82).

5. With regard to the length of time during which the sacrament may be exposed, besides brief periods of exposition. *Holy Communion and Worship of the Eucharist Outside Mass* permits and encourages lengthier periods of exposition and adoration in the following two cases only:

- a. exposition for an extended period of time once a year but with (he consent of the local Ordinary and only if suitable numbers of the faithful are expected to be present (no. 86);
- b. exposition ordered by the local Ordinary for a grave and general necessity for a more extended period of supplication but where the faithful assemble in large numbers (no. 87).

6. With regard to perpetual exposition, this form is permitted only in the case of those religious communities of men or women who “according to the constitutions and regulations of their institute have the general practice of perpetual Eucharistic adoration or adoration over extended periods of time” (no. 90). In other instances perpetual exposition is not permitted.

7. The following statement of the Congregation for Divine Worship is worth recalling: “if the sacrament were exposed continuously, there would be a lessening

in the value of these occasions [exposition and adoration) as reminders of their proper place in the spiritual life and of their character as high points for reflection on the Eucharist” (Response of the Congregation for Divine Worship, *Notitiae* [1971] 414-415).

8. Therefore, perpetual exposition of the blessed sacrament in parish churches and other oratories, except where permitted by law, is not permitted. With regard to all aspects of exposition, adoration, and benediction of the Eucharist, the norms of *Holy Communion and Worship of the Eucharist Outside Mass*, nos. 82-100, and canons 941-943 of the *Code of Canon Law* are to be observed diligently.

9. While pastors are to make every effort possible to enable the faithful to worship Christ present in the Eucharist, this must be done according to the norms laid down by the Roman Ritual and the *Code of Canon Law*, as cited above.

BCL Newsletter 22 (June/July 1986) 22-25.

**Perpetual Adoration of the Blessed Sacrament: Clarification, January 1987.
Private.**

The attention of the Secretariat of the Bishops' Committee on the Liturgy has been drawn to an inadvertent non-substantive omission from the response concerning “Perpetual Exposition of Blessed Sacrament” in the June/July 1986 issue of the *Newsletter* of the Bishops' Committee on the Liturgy, pp. 24-25.

No. 99 of *Holy Communion and Worship of the Eucharist Outside Mass*, a section of the Roman Ritual, under the heading, “Adoration in religious communities,” mentions not only religious communities but also “other pious groups” (*aliisque piis coetibus*) in which the “constitutions or norms of their Institute” call for perpetual Eucharistic adoration or adoration protracted over a long period of time. No. 90 states: “It is strongly recommended that they pattern this holy practice in harmony with the spirit of the liturgy. Then, with the whole community taking part, the adoration before Christ the Lord will consist of readings, songs, and religious silence to foster effectively the life of the community . . .

Thus, no. 6 of the response given in the *Newsletter* (p. 25) may be applied to other communities or institutes which are not canonically considered religious institutes. This possibility of perpetual adoration within a religious community, institute, or the like, in accord with the canonical constitution or norms of such a body is in no way applicable to parish churches or other oratories.

It is to be noted, moreover, that no. 90 of the ritual, quoted above, is speaking of perpetual *adoration* in general and not explicitly of Eucharistic *exposition* (treated in nos. 84-89). Adoration is understood to include the worship of the Holy Eucharist reserved in the tabernacle, as well as adoration during the exposition of the Eucharist contained in a ciborium or in a monstrance.

Readers may wish to review the entirety of the Roman Ritual's treatment of this matter in nos. 79-112 of *Holy Communion and Worship of the Eucharist outside Mass*. Concerning canons 941-943 of the 1983 *Code of Canon Law*, which summarizes the law of the ritual, see *The Code of Canon Law: A Text and Commentary* (New York/Mahwah, NJ: Paulist Press, 1985) pp. 666-667.

NCCB Committee on the Liturgy. Notice regarding perpetual exposition of the Blessed Sacrament. *BCL Newsletter* 22 (June/July 1986): 24-25. *Clarification: BCL Newsletter* 23 (January 1987): 2.

CANON 948

Pluri-intentional Masses, February 1986. Private.

Cong. of Clergy Leiter, 22 February 1986:

In many parts of the Church which pertain to regions different among themselves, the custom has begun to spring up of celebrating Masses which are called "pluri-intentional," which is done so that a priest, through the celebration of one Mass, simultaneously satisfies the intentions of many of the faithful from whom he receives an offering collected in common, freely and not for a determined stipend.

Inasmuch as in the new *Code of Canon Law* there is nothing laid down in this matter, a doubt has arisen among priests and bishops whether this practice be legitimate, and the same have sought advice from this Congregation on how they should deal with the matter.

As regards the proposed doubt, the reasons in favor of this new practice which are brought forward pertain primarily to the pastoral order, and from these same reasons there most often emerges the issue of the shortage of priests, whose number is admittedly becoming less and less.

As your Excellency can easily understand, this question is of great moment for the life of the Church, since it is to be feared, lest a legitimation of this practice can call into question the laudable practice received until this time by virtue of which individual Masses are customarily celebrated according to single intentions.

Before any decision is taken, this Dicastery directs itself to your Excellency, as the President of the Episcopal Conference, that it might know what the Episcopate of your nation feels about this question. Their observations will be received with great esteem.

That we may proceed more reasonably and more expeditiously in this matter, it seems useful to send to you, attached to these letters the schema of a general decree in which various points are contained, on which the Bishops can offer their observations, that they may alter their judgment about the opportuneness of

approving the practice of pluri-intentional Masses or not.

It is left to your prudent judgment to select the apt method by which the individual bishops are to be questioned and their opinions collected as soon as possible.

Finally, you will make this Dicastery very happy if the conclusions of this investigation can be sent here within six months of the date of this letter.

Cong. of the Clergy, 22 February 1986, letter to NCCB *RRAO* (1986): 8-10.

Cong. of Clergy Letter, 2 February 1986:

The following document (undated and unsigned) is the draft decree concerning pluri-intentional Masses, which was sent to the U.S. Bishops for their comments:

Many bishops have sent requests to the Holy See to obtain explications and directive norms regarding the discipline of “pluri-intentional Mass,” as it is called, namely, regarding that Mass which is celebrated by a priest to fulfill the intentions of many of the faithful.

This practice seems to flourish especially in those churches and parishes more frequented by large groups of people, where the Christian faithful are present at the Divine Sacrifice and give a free and indeterminate offering for a Mass applied by the priest according to their individual intentions signified by them.

So that the practical problems arising from this custom may be solved in a manner congruent with the communitarian values signified by the Eucharistic Sacrifice; and so that concrete difficulties may be prevented in which, because of the shortage of clergy, priests may fall into the pattern of accepting multiple petitions which they are not able to satisfy; and so that any sort of abuse and inconvenience may be avoided, the Congregation for the Clergy, following the mandate given it by the Supreme Pontiff, declares and decrees those things which follow:

1. The norms which regulate the obligations arising from offerings for Masses and which are sanctioned in canons 945-950 of the *Code of Canon Law* are confirmed again, and they retain integrally their disciplinary power.
2. The Bishops together with the pastors of souls, in a public form – by fixed tablets and warnings – with great care shall notify everyone that the offering for a celebration of Mass according to the mind of canon 946, is directed toward supplying the necessities of the church, the sustenance of the clergy, and apostolic action.
3. The Diocesan Bishops (Ordinaries of the places) shall judge whether it be possible to satisfy in a reasonable time the requests of the Christian faithful for individual celebration of Mass according to individual requests, exclusively offered

for that intention. Where indeed, because of the lack of clergy, such petitions cannot be fulfilled, it is up to those same Ordinaries to permit, according to the situation, that many of the Christian faithful, consenting with full freedom, may have multiple intentions satisfied through only one celebration of the Mass. They are also to limit and impede this practice at their discretion.

4. The Bishops, each for their own territory, are to take care to issue norms to establish: 1) the stipend for the priest celebrating a pluri-intentional Mass which is not to exceed the diocesan offering for a single Mass; 2) the purposes for which the sum left over and above the ordinary stipend is to be applied. In their own churches, religious are to follow diocesan norms, and those amounts which exceed the diocesan tax can be used for the pastoral necessities of their own institute according to the purposes determined by the same religious superiors.

5. This criterion does not hold for founded Masses, nor for the manual Masses concerning which canon 948 states: "Separate Masses are to be applied for the intentions for which the individual offering, even if small, has been made and accepted."

6. Perpetual Masses for the deceased may be celebrated according to the existing customs.

Cong. of the Clergy, 2 February 1986, draft decree of document (Prot. No. 176809/1) sent to NCCB for comments. *RRAO* (1986): 10-11.

CANON 951

Authentic Interpretation: Offerings for Second and Subsequent Masses Celebrated on the same day, 23 April 1987. AAS 79 (1987): 1132.

D. Whether the Ordinary referred to in canon 951, § I, ought to be understood as the Ordinary of the place where the Mass is celebrated or as the proper Ordinary of the celebrant?

R. Negative to the first part; affirmative to the second, except for a pastor or parochial vicar in which case the Ordinary of the place shall be understood.

Pont Comm for the Auth. Interp. of the Code of Canon Law. *AAS* 79 (1987): 1132; *RRAO* (1990): 115

CANON 960

Importance of Private Confession (*Siate I benvenuti*), 2A March 1990. AAS 82 (1990): 989-992.

Welcome to the Father’s house! Take and pass on my greeting to your co-diocesans or your confreres in your respective religious families. As Bishop of Rome, and Successor of Peter, I feel the need to recall to you priests, as well as to you who are hastening towards the priesthood in a short time, the principle duty to devote yourselves regularly and patiently to the ministry of penance, reconciliation and peace. God, in fact: *Reconciliavit nos sibi per Christum et dedit nobis ministerium reconciliationis . . . pro Christo ergo legatione fungimur tamquam Deo exhortante per nos: obsecramus pro Christo, reconciliamini Deo* [“has reconciled us to himself through Christ and has given us the ministry of reconciliation. . . this makes us ambassadors of Christ. God as it were appealing through us. We implore you, in Christ’s name: Be reconciled to God!”).¹

The divine well spring of forgiveness, which is for us the life-filled root from which comes the persevering strength to devote ourselves to the ministry of the Sacrament of Penance, is the *Caritas Christi*: the love, that is, of Him who *pro omnibus mortuum est, ut et qui vivunt, iam non sibi vivant, sed et, qui pro ipsis mortuus est et resurrexit* [“died for all so that those who live might live no longer for themselves, but for him who for their sakes died and was raised up.”].²

The priest is thus called to restore God’s life to those dead in spirit. Priest and host, with Jesus the Priest and Host in the Eucharist, the priest must likewise be a sacrificial victim and a pledge of resurrection when he hears sacramental confessions. Through imposition of hands by the ordaining bishop, each priest is consecrated and totally offered to ministering to the souls entrusted to him. And since this offering corresponds to a real and basic right of the faithful, in this context what I had to say to the Father Penitentiary of the Patriarchal Basilicas of the City in the allocution of January 31, 1981 is opportune: “I wish to highlight that contemporary society is rightly possessive of the inalienable rights of the persons: how, then, precisely in that more mysterious and sacred area of the personality in which people experience their relationship with God, could any human person, the individual person of each of the faithful, be deprived of the right to a personal, unique conversation with God through the ordained ministry? Why would anyone want to deny the individual faithful who has value *qua talis* in God’s eyes, of the

¹ 2 Cor 5: 18-20.

² 2 Cor 5:15.

intimate and very personal joy of this great fruit of grace?”³

In communal confession the priest surely saves himself physical and maybe even psychological effort; but when he violates the gravely binding norms of the Church in this matter, he defrauds the faithful and deprives himself of the merit of self-sacrifice which bears witness to the value of each redeemed soul. Each soul is worth time, attention and generosity, not only in a community context, but also – and one can especially say this under a theological aspect – in himself or herself, in his or her unique identity and personal dignity, and within the sensitive confidentiality of that private and secret dialogue.

In sacramental confession followed by absolution we are reconciled with God and the Church: Canonical discipline relative to the Sacrament of Penance and to the internal forum in general – matters which you are involved in during meetings with the Apostolic Penitentiary – deals in particular with this latter element. I urge you to consider carefully that canonical discipline relative to censures, to irregularities and to other determinations of either a penal or precautionary nature is not the result of formalistic legalism: On the contrary, it is the exercise of mercy towards penitents to heal their spirits, and for this reason the censures are termed “medicinal.”

Depriving people of sacred goods, in fact, can serve as a stimulus towards repentance and conversion; it is a warning to the faithful enduring temptation; it is an exercise of respect and of loving veneration towards the spiritual heritage left us by the Lord who gave us the gift of the church and, through the Church, the sacraments. Not by chance has the Apostolic Penitentiary thus expressed itself in a document directed to confessors: *Suprema Ecclesiae bona ita ipsi Ecclesiae cordi debent esse et sunt, ut non modo iugiter de illis tradatur doctrina et circa ea iugiter exercentur pastoralis sollicitudo, sed etiam iuridica adhibeatur tutela, eo vel maxime quia in illis bonis stat, et illis spretis vel iniuria affectis patitur mystica Ecclesiae communio* [“Thus the highest goods of the Church are and ought to be at the very heart of the Church, so that not only should doctrine be continually taught about them, the pastoral care ought to be continually exercised concerning them, but also juridic protection ought to be employed, most of all because the mystical communion of the Church resides in those goods, and when disdain is shown towards them or when they are used unjustly the mystical communion suffers”].

With the nearness of the holy Easter day it is wonderful to recall the Paschal sense of our love exercised when we celebrate the Sacrament of Penance: In it the spiritual resurrection of our brothers and sisters is renewed, and therefore it is right and just *gaudere . . . quia frater tuus hic mortuus erat et revixit, perierat et inventus est* [“Rejoice! This brother of yours was dead, and has come back to life.

³ *Inse^{nu}/nenti*, VI. 1 (1981) 193

He was lost and is found.’].⁴ In the encyclical *Dives in Misericordia* I expressed what one might call a theology of forgiveness: out of that comes the Paschal character of the Sacrament of Reconciliation *Paschale ideo mysterium culmen huius revelationis et exsecutionis est misericordiae, quae hominem potest iustum facere, iustitiamquae ipsam reficere* (“The Paschal mystery is the culmination of this revealing and effecting of mercy, which is able to justify man, to restore justice .. .”).⁵

With these sentiments I entrust you to the Most Holy Virgin, Mother of the Church, refuge of sinners; and with fatherly kindness I impart to you my Apostolic Blessing.

John Paul II, 31 March 1990, address. *TPS* 35 (1990): 302-304.

Sacrament of Penance:

“Sacrament of Penance Study,” February 1990 by NCCB Pastoral Research and Practice Committee, *Origins* 19 (1990): 613, 615-624.

CANON 961

Particular Legislation: General Absolution.

Nigeria:

1. The judgement about the existence of the required conditions for granting general absolution, that is, grave necessity, is left to the diocesan bishop. Priests are not free to presume the existence of such grave necessity.
2. The Catholic Bishops’ Conference of Nigeria determines the following criteria for judging the grave necessity of canon 961. §1, 2°, for general absolution:
 - a) Genuine pastoral needs of a stable nature arising from the size of a parish or Catholic community and insufficient number of priests can be sufficient grave necessity, if the priests available cannot be reasonably expected to provide individual and integral confessions for the penitents within three months;
 - b) Other situations, except those of major feasts or pilgrimage, may arise in which the faithful could be unduly deprived of the sacrament for a lengthy period of time because an unavoidable shortage of confessors present makes individual confession impossible.

⁴ Lk 15:32.

⁵ N. 7.

3. The participants of such penitential services have to be instructed to make an individual confession of their grave sins in due time before receiving another general absolution. Moreover, the confessors should also offer an opportunity for individual confessions to those who wish to do so.
4. After observing the above conditions, the diocesan bishop can permit the granting of general absolution, which is to be imparted after a well-prepared and celebrated penitential rite.

PCN. pp. 31-32.

United States of America:

The National Conference of Catholic Bishops interprets the meaning of *in* of canon 961, § 1,2°, to be “one month” by which the diocesan bishop judges whether and when the conditions of grave necessity for general absolution are verified in his diocese.

Approved: General Meeting, June 1988. Reviewed: Holy See (Congregation for Divine Worship and Discipline of Sacraments). Action not considered a decree (c. 455. §2); therefore does not require *recognitio* of the Holy See. Promulgated: Memorandum to All Bishops, December 15, 1989.

CANON 962

Norms regarding general absolution, 17 April 1986. Private.

Explicit norms on the topic have been given by the *Code of Canon Law* (cc. 961, 962) and by the Apostolic Exhortation *Reconciliatio et Paenitentia* (AAS. (1985], vol. LXXVII, 185-275). In spite of this, abuses take place.

For this reason, the Fathers of the *Plenaria* pointed out that it is necessary to underline the extraordinary character of this form of absolution, to avoid in the faithful the confusion between general absolution and individual confession, to explain to them why they have to confess individually the serious sins after having received general absolution and to remember this obligation. In his aforesaid allocution the Holy Father insisted upon this point and confirmed that the extraordinary form of pardon does not exempt the faithful from the personal encounter with the Lord in the Sacrament of Penance; the Church protects the right of the individual to his own personal identity which can not be confused with the anonymity of the mass. The Episcopal Conferences have therefore to insist again firmly on what concerns general absolution, fixing the cases of “serious necessity” for the recourse to (his form of pardon, endeavoring for an exact catechesis in this matter and demanding that the faithful who receive general absolution be reminded of the obligation to confess singly, in due time, the serious sins for which they have

received absolution in collective form (c. 962, §1).

Cong for the Sacraments, plenary session of April 15-17. 1986. *RRAO* (1987) 11-12.

Abuse of General Absolution:

John Paul II. 31 May 1988. address to U.S. bishops. *TPS* 33 (1988): 301-303.

Translation of Canon 962, 5 July 1988. Private.

The Cardinal Prefect of the Congregation for Sacraments has directed this Nunciature to call your kind attention to the following matters. In the English translation of the new *Code of Canon Law* prepared by the Canon Law Society of America, there is an omission of a phrase in canon 962, §1.

Lacking in the English version is the expression *debito tempore* in reference to the obligation of those who avail themselves of general absolution to confess individually serious sins.

The Congregation asks that you take appropriate measures to see that this omission is corrected in future editions of the code.

Furthermore, it would be well to inform the members of the Conference of this correction so that they in turn may apprise their Seminary professors.

Apostolic Pro-Nunciature, letter to the President of the NCCB. 5 July 1988 *RRAO* (1988) 7

CANON 964

Particular Legislation: Place of Confession.

Canada:

In accordance with the prescriptions of canon 964. §2, and in the light of the revisions made to the Roman Ritual following the promulgation of the *Code of Canon Law*, the Canadian Conference of Catholic Bishops hereby decrees that for the celebration of the sacrament of reconciliation, the following prescriptions are to be observed:

The place where the Sacrament of Reconciliation is celebrated is important in order to give full value to the signs of welcoming and forgiveness. Unless there is a just motive determining otherwise, a Church or an Oratory is the proper place for the celebration of the Sacrament. The place for confessions shall be so arranged that those wishing to go to confession may do so in an open place:

- either in a confessional with a grille;
- **or** in a place which offers the possibility for the penitent to sit down and

engage in a freer dialogue with the confessor.

Unless there is a just motive, confessions will be heard only in those places. This decree is effective immediately.

OD no. 579; 01-12-87; SC 22 (1988), p. 213.

The Gambia, Liberia, and Sierra Leone:

Each church or oratory is to have a confessional which is located in a readily accessible place, has a fixed grille between penitent and confessor, and guarantees total privacy.

ITCABIC, 3 (1986), p. 3.

Nigeria:

The Catholic Bishops' Conference of Nigeria directs as follows:

1. Grates as of now are to be used and are to provide adequate privacy.
2. Other places may be used for a reasonable and just cause provided due precautions are taken. Causes are, for example, sickness, old age of the penitent.

PCN, p. 32.

South Africa:

In accordance with the prescriptions of canon 964, §2, and in the light of the revisions made to the Roman Ritual following the promulgation of the *Code of Canon Law*, the Southern African Catholic Bishops' Conference hereby decrees that for the celebration of the Sacrament of Reconciliation, the following prescriptions are to be observed:

“The place where the Sacrament of Reconciliation is celebrated is important in order to give full value to the signs of welcoming and forgiveness. Unless there is a just motive determining otherwise, a church or an oratory is the proper place for the celebration of the Sacrament. The place for confessions shall be so arranged that those wishing to go to confession may do so in an open place:

- either in a confessional with a grille;
- or in a place which offers the possibility for the penitent to sit down and engage in a freer dialogue with the confessor

SACBC

CANON 995

Plenary Indulgences for Marian Year, 2 May 1987. Private.

The most Blessed Virgin Mary is the Mother of God and Mother of the Church. Indeed she is the mother of us all. “Having entered deeply into the history of salvation, Mary in a way unites and re-echoes in her person the most important teachings of the faith” (*Lumen gentium*. 65). And “when she is the subject of preaching and devotion, she calls believers to her Son, to his sacrifice, and to love of the Father” (ibid.). Indeed, “in a most special way and above all other persons she is the divine Redeemer’s generous associate, and in a thoroughly unique way she has worked together with him to restore the supernatural life of souls” (*Lumen gentium*. 61).

As the second millenium of the birth of our Savior approaches, the Church, the universal community of believers, turns to its divine Redeemer as well as to his Mother. In doing this the Church reflects upon Mary's presence in its midst and her readiness to offer assistance in the many and complex issues of our age which affect individuals, families, and nations (see. *Redemptoris Mater*. 52). Being aware of all such issues, the Supreme Pontiff, John Paul II, spurred on by his own devotion to Mary and carrying out his office as Vicar of Christ, by reason of which there is incumbent upon him a “daily and insistent care for all the churches” (2 Corinthians 11:28), recently announced to the Christian faithful a Marian Year to extend from Pentecost, 1987, until the Solemnity of the Assumption of the Blessed Virgin Mary. 1988. The year is to be celebrated with devout participation and should produce both growth in the virtues and advancement in spiritual health.

At the wedding in Cana of Galilee Mary addressed a message to the servants and through them all of us: “Do whatever he tells you” (John 2:5). Since there is need for that same message to ring out today, there is special advantage in having the faithful feel themselves urged with renewed fervor during the course of the Marian year to carry out various works of piety, mercy, and penance. And among such works there are those which have a special import, and to these, by ancient tradition, the Church attaches an indulgence.

In order to obtain an indulgence, the fervor of love for God and neighbor is required. And when it has been obtained, it is right to believe that, in gratitude for the goodness of God, our affections will be more ready to do good and avoid sin. For our Lord Jesus Christ recommends and demands such affections from his followers in every time and place.

The Church in its role as “the minister of redemption dispenses and applies with authority the treasury of the satisfying works of Christ and the saints” (c. 992. *CIC*). By means of this present decree the Sacred Penitentiary, in virtue of its special apostolic mandate concerning the treasury of the Church, grants a plenary

indulgence to be gained by all the Christian faithful for the following works. The usual conditions are to be correctly fulfilled, i.e., sacramental confession, Eucharistic communion, and prayer for the Pope's intentions. This is being done so that the faithful may more richly share in the fruits of the Marian Year in purifying their consciences, in thoroughly changing their ways, and in increasing their love of God and neighbor.

(1) On the opening and closing day of the Marian Year when they devoutly assist at a sacred function connected with the Marian Year in their own parish church, in any Marian shrine, or sacred place;

(2) On solemnities and liturgical feasts of Mary, on any Saturday or other specific day on which one solemnly celebrates some "mystery" or "title" of Mary when they devoutly participate in a rite celebrated in honor of the Blessed Virgin Mary in the parish church, a Marian shrine, or in another sacred place;

(3) On each day of the Marian Year when they make a pilgrimage with a group to the sanctuaries of Our Lady designated for the diocese by the bishop and there participate in liturgical rites (among which the holy Mass has an absolutely singular excellence), in a communal penitential celebration, in the recitation of the holy rosary, or when they carry out another pious exercise in honor of the Blessed Virgin Mary;

(4) On each day of the Marian Year when they devoutly visit, even individually, the Basilica of Saint Mary Major in Rome and participate there in a liturgical function or at least stop for some time in devout prayer;

(5) When they piously receive the Papal Blessing, given by a bishop, even by means of radio or television. The Apostolic Penitentiary grants to bishops the faculty of giving the Papal Blessing with the attached plenary indulgence twice during the Marian Year, according to the established rite (see *Ceremoniale Episcoporum* 1122-1126) on the occasion of some Marian solemnity, or some diocesan pilgrimage. This is in addition to the three other occasions on which they can impart the blessing according to the general law.

It is opportune to note that according to the current norms the gift of the plenary indulgence may be obtained only once a day and the indulgence may always be applied to the dead by means of suffrage (see *Enchiridion Indulgentiarum*. Norms 4 and 24). The Apostolic Penitentiary takes this occasion to call attention to Norm 27 of the same *Enchiridion*, in virtue of which "confessors are able to commute either the prescribed work or the conditions which, by reason of a legitimate impediment, they are not able to carry out," and Norm 28, in virtue of which "Ordinaries or Hierarchs of the place are able ... to grant the faithful, over whom they exercise lawful authority and who live in places where they cannot in any way or only with some difficulty go to confession and communion, a plenary indulgence without actual confession and communion. In such circumstances they must be contrite of heart and intend to receive these sacraments as soon as they can." Finally, the Apostolic Penitentiary strongly recommends as being very much in

harmony with the Marian Year, the recitation of the rosary of the Blessed Virgin Mary, especially by families. For the faithful of the Eastern rites, it strongly recommends the corresponding prayer established by the Patriarchs. When such is done in a church or oratory, or carried out in a communal form there is also attached a plenary indulgence (*Enchiridion* 48).

Anything to the contrary notwithstanding.

Given in Rome, from the Sacred Penitentiary, Saturday, 2 May 1987.

Ap. Penitentiary decree regarding plenary indulgences for Marian Year, *BCL Newsletter* 23 (June/July 1987): 23-24.

Indulgence for Reciting Hymn *Acathistos*:

Ap. Penitentiary. 13 February 1988, decree *re* indulgence for reciting hymn *Acathistos*, *AAS* 80 (1988): 508-509.

CANON 1008

The Sacrament of Order in the Sacramental Structure of the Church:

Joint International Commission for Roman Catholic-Orthodox Dialogue June 1988 at the Valamo Monastery in Finland, *Origins* 18 (1988): 297-300.

CANON 1015

Reconciliation of those illicitly ordained by Archbishop Lefebvre, 12 February 1987. Private.

The Congregation for the Doctrine of the Faith has recently studied the problem of the canonical situation of those Clerics, priests and deacons, who received ordination from Archbishop Marcel Lefebvre and later abandoned his movement.

It sometimes occurs that these clerics wish to return to the active ministry under the authority of legitimate Pastors.

While the current canonical norm allows each bishop to handle directly the process of reconciliation in cases such as these, the Congregation has decided that it must maintain the actual practice which requires recourse to the Holy See. Such a decision, in fact, was reached by the Cardinal Members of the Congregation at their meeting of January 14, 1987. This decision was later confirmed by the Holy Father.

It would be appreciated if you would kindly inform the Ordinaries in this regard.

Apostolic Pro-Nuncio, letter to the President of the NCCB, 12 February 1987. *RRAO* 36-37.

CANON 1030

Adaptations to the Rite of Admission to Candidacy and Ordination to the Diaconate, 10 September 1985 & 18 March 1986. NCCB.

Rite of Admission to Candidacy for Ordination as Deacons

Examination (Roman Pontifical, p. 145)

(After the Bishop asks the candidates about their resolve to prepare themselves, etc., the following title, rubrics and texts are added:)

For married candidates:

You have been sealed and strengthened in the sacrament of marriage in mutual and lasting fidelity. Therefore, it is proper to ask the consent of your wife, who is united to you in the communion of love and life. Your ministry will not only make demands upon your life together, but will become the source of new blessings in your family.

(Then the bishop turns to the wife (wives) of the married candidate(s) and asks:)

Are you resolved to help your husband continue to grow in faith and to support his desire to serve the Church in the order of deacons?

Wife/Wives:

I am.

Intercessions (Roman Pontifical, p. 146)

(The following text is added in brackets after the third intercession.)

Deacon or minister:

That the wives and families of these candidates may continue to support and help them by their love and prayer as the candidates prepare for ministry in the Church, let us pray to the Lord:

R. Lord, hear our prayer.

Approved by (he NCCB Administrative Committee on 10 September 1985 and 18 March 1986

Confirmed by (he Congregation for Divine Worship on 16 January 1986 and 18 April 1986 (Prot. N 1330/85).

Rite of Ordination of Deacons and Rite of Ordination of a Deacon 10 September 1985. NCCB.

Homily

(The following rubrics are to replace those found at number 14 under the heading "Homily" – Pontifical, pages 159 and 177.)

Ordination of Deacons – The Rubric is changed to read as follows: "Then all sit, and the bishop gives the homily. He begins with the text of the readings from Scripture and then speaks to the people and the candidates about the office of deacon. The bishop should take into consideration the state in life (married, celibate) in which the various candidates will exercise their ministry, and speak about the meaning and importance of celibacy and Christian marriage in the Church. He may use these words:"

Page 177, Ordination of a Deacon – The rubric is changed as follows: "Then all sit. and the bishop gives the homily. He begins with the text of the readings from Scripture and then speaks to the people and the candidate about the office of deacon. The bishop should take into consideration the state in life (married, celibate) in which the candidate will exercise his ministry, and speak about the meaning and importance of celibacy and/or Christian marriage in the Church. He may use these words:"

Approved by (he NCCB Administrative Committee on 10 September 1985 Confirmed by the Congregation for Divine Worship on 16 January (Prot. N 1330/85). Notice regarding Cong. DW confirmation of Adaptations to the Rite of Admission to Candidacy and Ordination to the Diaconate (16 January 1986), BCL Newsletter 22 (April/May 1986): 15.

CANON 1031

Particular Legislation: Minimum Age for Ordination.

The Gambia, Liberia, and Sierra Leone:

The Conference sets twenty-five as the minimum age for conferral of priesthood and thirty-five as the minimum age for the permanent diaconate.

ITCABIC. 3(1986), p. 6.

Nigeria:

The Conference retains the age limits stipulated in this canon, namely, the priesthood may be conferred only on those who have completed their twenty-fifth year of age. Those who are destined for the priesthood are to be admitted to the order of diaconate only when they have completed their twenty-third year.

PCN. p. 33.

United States of America:

In accord with the provisions of canon 1031, §3, the National Conference of Catholic Bishops has established the minimum age of ordination (for permanent deacons) at thirty-five years for both married and celibate candidates. The diocesan bishop may dispense up to one year from this age requirement.

Approved: General Meeting, November 1984. Reviewed: Holy See (Congregation for Divine Worship) *recognitio* of the Holy See is not required. Promulgated: *Permanent Deacons in the United States: Guidelines on Their Formation and Ministry*, No. 66(b). National Conference of Catholic Bishops, 1985.

CANON 1041**Dispensation from an incurred irregularity to orders, Private.**

Petition from seminarian:

As a seminarian for the Diocese of Perge, I respectfully request that you seek for me a dispensation from an irregularity preventing my reception of Holy Orders. This irregularity stems from my violation of canon 1041, 2°.

In February of 1984, I made a decision to join the Episcopal Church. The decision had its foundation in the support and affirmation I was receiving from the Episcopalian parish in which I was employed as a Director of Christian Education and not in any rejection of Church doctrine. I was formally received into the Episcopal Church on February 19, 1984. Soon after this, however, I began to experience doubts and regret over my action. Following some months of prayer and reflection, I returned to the Roman Catholic Church in December of 1984 and have both participated in the Sacrament of Reconciliation and made a public profession of faith.

I am deeply sorry for having removed myself from the Roman Catholic Church in this way. I fully resolve to remain faithful to the Church and to satisfy any conditions that might be stipulated in a dispensation from the above-mentioned

irregularity.

Thank you for your support and assistance in this matter.

Support for petition from seminary rector:

Seminarian of the Diocese of Perge has completed his first year of theology at St. Peter's Seminary here in Antioch. As you know from the evaluation which you received in May, this past year was a very good year for the student. He is a very capable and gifted student, a good liturgist and a very active participant in every aspect of the seminary community. He is generous and willing in the use of his musical and liturgical gifts. His commitment to the spiritual, academic and pastoral aspects of the seminary formation Program has been generous and steady.

From the very beginning of his relationship with the faculty and program here at St. Peter's Seminary, he has been both candid and honest in admitting his brief relationship with the Episcopal Church, his realization of the mistake that he has made and subsequent regret, his desire to return to the full practice and unity of the Catholic faith and his intention to study for the Catholic priesthood.

Our faculty felt that it would be important to let one full year of formation pass prior to writing this formal letter of commendation and recommendation in which we attest that Seminarian is genuinely committed to living his Catholic faith in accord with the beliefs and teachings of the Catholic Church. Our experience with student is that this commitment is sincere and that he has every reason to be trusted. We approve and recommend his petition for a dispensation from the irregularity stemming from his violation of canon 1041,2°. God willing, he will continue his studies for priesthood and the requested dispensation will allow him to receive Sacred Orders at the appropriate time. May God bless you and the church of Perge.

Support for petition from diocesan bishop:

Seminarian, 24 years old, is currently enrolled in St. Peter's Seminary in Antioch, and is a seminarian studying for the Diocese of Perge, about to enter his second year of theological studies. While he was a college student, in February 1984, he briefly joined the Episcopal Church under the impulse of the support he was receiving from personal friends in that communion, which was also the source of his employment. Following prayer and reflection he recanted his error in December 1984, and was restored to full communion with the Catholic Church.

Upon the recommendation of the rector of St. Peter's Seminary, and of the seminary faculty, I request Your Eminence to dispense Seminarian from the irregularity deriving from his violation of canon 1041,2°.

Request for further information from Congregation for the Doctrine of the Faith:

In August of 1986 you submitted a petition on behalf of Seminarian, presently a seminarian of the Diocese of Perge, who requests a dispensation from the irregularity as stipulated in canon 1041, 2°. Now, the Congregation for the Doctrine of the Faith writes in the letter of October 29, 1986 requesting additional information.

In addition to a *curriculum vitae*, the Congregation seeks a reply to the following questions:

- 1) If at the moment of desertion from the Catholic Church, the petitioner was a seminarian or not? In the petition, it was simply indicated that Seminarian was “in college”.
- 2) What type of responsibilities did he exercise precisely in the Episcopalian Church? It had been stipulated in the petition that he was simply employed by the Episcopalian parish. Greater detail regarding the obligations of this candidate to the Episcopalian Church is requested.
- 3) In his passing to the Episcopalian Church, did the petitioner receive a new baptism or did he make a formal renunciation of his Catholic faith?
- 4) Has this young man already been absolved from the censure incurred?

Having responded with greater detail to the inquiry of the Congregation for the Doctrine of the Faith, it will be my pleasure to forward this information to the Holy See for further consideration.

Response by seminarian:

I have responded below to the questions asked of you by Archbishop Pio Laghi, Apostolic Pro-Nuncio. I hope that my answers provide the further detail requested by the Congregation for the Doctrine of the Faith.

- 1) At the time of my reception into the Episcopal Church (in February 1984), I was *not* a seminarian.
- 2) In the Episcopal Church, I was a layperson employed as a Director of Christian Education for a local parish. I had been employed in this position for 5 1/2 months prior to my reception into the Episcopal Church and continued in this capacity for 8 1/2 months after my reception. My responsibilities in this regard were similar to those of any parish DRE, i.e., coordinating Christian formation programs, leading adult education classes, organizing youth retreats. After my reception, as a member of Saint Luke's Episcopal Church in Perge (where I was

employed). I served as a lay reader (lector/Eucharistic minister) and as a member of the parish liturgy committee. I applied for and was accepted as a postulant for Holy Orders in the Diocese of Northwest Asia, but did not attend a seminary in the Episcopal Church before returning to the Roman Catholic Church.

- 3) My reception into the Episcopal Church did *not* involve “a new baptism” or “a formal renunciation of my Catholic faith.” The ceremony was the form for Reception found on pages 413 to 419 of the Book of Common Prayer and consisted of a profession of the Apostles Creed.
- 4) In returning to the Roman Catholic Church. I participated in the Sacrament of Reconciliation and, according to my knowledge, was therefore absolved from the censure incurred.

Response from Apostolic Pro-Nuncio, on behalf of CDF:

The Congregation for the Doctrine of the Faith has replied to the petition of Seminarian, a theology student at St. Peter's Seminary in Antioch, who sought a dispensation from the irregularity mentioned in canon 1041, 2° of the *Code of Canon Law*.

After examining carefully the clarifications which you provided about the case, the Congregation has decided to grant the petitioned dispensation. However, the Congregation stipulates that you yourself be personally responsible for any evaluation of the candidate's suitability for ordination to the priesthood.

Exchange of letters seeking a dispensation from the irregularity for ordination mentioned in canon 1041, 2° *RRAO* (1987); 20-25.

CANON 1042

Rescript giving permission for the ordination of a married man, 3 February 1989. Private.

On December 4, 1987, you presented through the offices of our Ecclesiastical Delegate, Bernard Cardinal Law', a request to ordain to the priesthood, (N.N.). a married layman and former Anglican minister. This request was in accordance with this Congregation's decision of June 18, 1980, approved by the Holy Father, regarding the various elements of the Pastoral Provision established in response to the petition of several former Episcopal Clergymen in the United States.

We are now pleased to inform you that, with its decision of January 18, 1989, approved by the Holy Father on January 20, 1989, this Dicasterium has judged your

request favorably. You may therefore proceed to the ordination of (N.N.) to the Diaconate and Priesthood (*informa absoluta*), in accordance with the usual norms, the prescription of canon 1042, ¹ ° notwithstanding, and subject to the following particular conditions:

1. It is understood that the *debita scientia* required by canon 1029 will be certified by the procedure arranged by the Ecclesiastical Delegate for this Congregation in matters pertaining to the entry of former Episcopal clergymen into the Catholic Church. This certification does not derogate from the right and duty of the Ordinary to ensure the proper preparation of the candidate, with special regard to pastoral practice and the administration of the sacrament of Penance.

2. The candidate must be informed and agree to the condition that marriage, in the case of his wife's death, will not be possible after ordination.

3. With regard to the Church's traditional discipline of celibacy for her priestly ministers, it must be ensured that there be no scandal, that priests and people understand this exception to the traditional discipline, and that undue publicity be avoided.

4. According to the practice of the Congregation, such married priests are not to be assigned to the ordinary care of souls, but rather to be entrusted with administrative, social or educational work. This does not exclude their giving assistance, when pastorally useful, in the full range of priestly duties.

5. Father Roper will not be permitted to transfer to another country to take up priestly duties without the approval of the Holy See.

Once Father Roper has been ordained to the Priesthood, would Your Eminence kindly notify the Congregation of this fact at your earliest convenience, advising us as well of the specialized ministry assigned to him.

CDF, 3 February 1989, rescript. *RRAO* (1989): 8-9.

Rescript regarding the omission of the Admission to Candidacy and the ministries of Reader and Acolyte, 1 April 1092. Private.

With your letter of January 25, you sent to this Congregation three questions about procedure regarding the ordination of former Episcopal priests when that time comes.

The Cardinal members of this Congregation, in the *Ordinaria* of 24 March 1982, made the following decisions, subsequently approved by the Holy Father:

- 1) Should the ministries of Reader and Acolyte be conferred in the cases of the former Episcopal priests who are requesting priestly ministry in the Catholic Church?

Response: *Negative*.

- 2) Should the rite of Admission to Candidacy for Ordination as Deacons and Priests be celebrated in the cases of the former Episcopal priests?

Response: *Negative*.

- 3) May the interval between the orders of deacon and priest be reduced in the cases of the former Episcopal priests?

Response: The norms of canon 978, §2, should be observed.

CDF, 1 April 1982, rescript. *RRAO* (1989): 9-10.

CANON 1047

Reinstatement of a priest to active ministry and his incardination, 27 November 1987. Private.

In your letter of 29 August 1987, you asked this Congregation for clarification of the procedure to be followed in the rehabilitation and incardination of a former religious priest, the Rev. Thomas N.N.

Up until now, this question has been under study in the Congregation. In the near future, a general instruction will be issued on the rehabilitation of priests to the sacred ministry.

As for your specific question, the new regulations will require rehabilitation and incardination to take place simultaneously. In this way, the problem of a rehabilitated priest, who is not afterwards incardinated, will not arise. It will be the bishop's responsibility to judge whether the priest is morally and spiritually ready to return to the ministry. If the judgment is positive, the priest can be accepted for rehabilitation only if the bishop also intends to incardinate him.

Since you referred to the distinction between occult and public cases, it will be useful for you to know that, from now on, *all* cases must be forwarded to Rome for a determination of their public or occult nature.

Cong, for the Clergy, 27 November 1987, letter to diocesan bishop *RRAO* (1988) 8-10.

CANON 1060

Procedure to deal with multiple and successive marriages, 18 June 1987. Private.

Some information and complaints have reached this Supreme Tribunal concerning the inept manner of proceeding on the part of not a few tribunals when there is a question of declaring the nullity of many marriages which have been

successively attempted by the same person; e.g., a certain non-Catholic party, having been divorced two or three times and all these partners still being living, seeks a declaration of nullity that he may enter a new marriage with a Catholic party.

This custom has grown up in certain tribunals: when a case is brought of one who has attempted many marriages, one after another, the tribunal, by force of canon 1060, presumes the first marriage contracted to have been a valid one. Therefore, it declares null because of the impediment of *ligamen* all the marriages successively celebrated, and these therefore are considered null as regards all effects of law. Then the same tribunal investigates the nullity of the marriage which was the first one to have been contracted, and if its nullity is declared, the party is considered free to enter a new marriage.

Another reason is also brought forward to sustain this manner of proceeding, namely, the diriment impediment of ecclesiastical law arising from the external celebration of marriage, by force of which the nullity of the marriage first entered into having been proven, the subsequent marriage therefore is also to be considered null.

However, this manner of proceeding in declaring the nullity of marriages entered successively is not supported by any valid argument.

According to best-known rules of law, presumption must give way to objective truth. Therefore, the following marriage declared null because of presumed validity of the marriage first contracted, cannot be maintained as null if later the first marriage contracted is declared null, since the true impediment of *ligamen* cannot take its origin from a null marriage.

Furthermore, there is no trace in law or approved doctrine concerning the diriment impediment of *ligamen* of ecclesiastical law, based on the external celebration of marriage, and distinct from the impediment of *ligamen* of Divine law.

Therefore, having considered the matter maturely, this Supreme Tribunal of the Apostolic Signatura – which is responsible for “vigilance over the correct administration of justice,” (c. 1425, §3, 1°) in the Church – declares:

1. The reported manner of proceeding in declaring the nullity of successive marriages is directly condemned.
2. If someone accuses many marriages successively celebrated as being null, this manner of proceeding is to be used: Before anything else, inquiry is to be made regarding the nullity of the marriage first entered; when this nullity is legitimately proved, the matrimony which next followed this is to be presumed valid; if indeed later the nullity of the second marriage has been proven, then the next following marriage is to be presumed valid, and so in turn.
3. If a tribunal has used another method of proceeding in declaring the nullity of several marriages successively entered, the Defender of the Bond of the

tribunal which declared the nullity of the first marriage, and also any other person apprised of the matter, is bound to denounce the abuse to the competent Promoter of Justice who, by reason of the public good, will be held to attack the decisions respecting the successive marriages, and also of a new marriage ultimately entered.

Given at Rome from the seal of the Supreme Tribunal of the Apostolic Signatura 18,hof June 1987.

Apostolic Signatura. Prot. N. 14498/82 V.T., July 1987. letter to President of NCCB *RRAO* (1987): 59-61.

CANON 1061

The meaning of consummation *humano modo*, 17 April 1986. Private.

The plenary session of the Congregation for the Sacraments held on April 15-17. 1986, also discussed this issue and included the following report in its summary [English original]:

IV. *Two questions dealt with the Plenaria concern the ratified and non-consummated marriages.*

a) The act of consummation of a marriage has lo be performed *humano modo*: it is stated by canon 1061 of the *Code of Canon Law*.

The *Plenaria* has carefully studied the significance of this expression introduced by the new legislation and indicated that only acts accomplished with knowledge, awareness and freedom can be considered as performed *humano modo*.

The demand submitted to the Holy Father to authorize the Congregation lo proceed in the examination of causes *de rato* following the conclusions of the *Plenaria*, that is that the expression *humano modo* means only the human act al least virtually voluntary, has obtained the requisite approval. Nevertheless the Holy Father reserves to himself “to establish more precise criteria in single concrete cases to ascertain whether in each of them there was sufficient awareness for the consummation and the opportuneness to grant the dispensation” (Letter of the Secretariate of State of June 2. 1986, No. 178.557).

b) To adjust the norms of procedure *super rato et non consummato* to the new legislation in force, and lo facilitate in this way the work of the Bishops and Tribunals, this Congregation has prepared a relevant Circular, a copy of which is enclosed.

Note: The "Circular" mentioned in the final sentence is a Latin document of six single-spaced pages, documented with forty-six footnotes. It has not been translated and printed here since its relevance in the American Church today seems quite slight. However there is one interesting paragraph which deals more fully with the meaning of consummation humano modo in view of the Congregation of Sacraments [Latin original; unofficial translation]:

“Following the conclusions of the Plenary Congregation mentioned above, which were approved by the Supreme Pontiff, this Congregation uses the following mode of solving the cases submitted to it, namely that for the consummation of marriage, there must be a human act on the part of each party, but that is sufficient that it be virtually voluntarily, provided that it is not demanded violently. Other psychological elements, which would make the human act easier or more loving, are not taken into account.”

Cong, for the Sacraments, plenary session of April 15-17, 1986. *RRAO* (1987): 62-63.

CANON 1062

Particular Legislation: Regulating the Engagement.

The Gambia, Liberia, and Sierra Leone:

The Conference does not recognize any promise of marriage where the couple are living together in a permanent way.

A promise to marry does not give the right of action to request the celebration of marriage. For grave cause either party may decide not to go through with the marriage.

rrCABIC. 3 (1986). p. 3.

Nigeria:

The stipulation of this canon does not apply in Nigeria.

PCN. p. 33.

CANON 1066

Authentic Interpretation: Canonical Form, 11 July 19⁴. 4⁴⁵ 75 (1984): 747.

Q. Whether, in order to prove the state of freedom of those who, although

bound to the canonical form, attempted marriage before a civil official or a non-Catholic minister, is the documentary process mentioned in canon 1686 necessarily required, or does the pre-nuptial investigation dealt in canons 1066-1067 suffice?
R. Negative to the first; affirmative to the second.

Acta Apostolicæ Sedis June, July, or August of 1984.

CANON 1067

Particular Legislation: Pre-matrimonial Investigation and Matrimonial Banns.

Canada:

A. The Prenuptial Inquiry

In accordance with the prescriptions of canon 1067, the Canadian Conference of Catholic Bishops hereby decrees that the following procedures shall be observed in preparing a couple for marriage:

1. Before marriage is celebrated, there must be proper preparation in accordance with the prescriptions of canon 1063 and diocesan guidelines for the pastoral care of marriage. It is the responsibility of the proper Ordinary or the proper parish priest of one of the parties to make certain that the required preparations are duly made and the prenuptial inquiry is carried out. If someone other than the parish priest is to assist at the marriage, the responsibility for the prenuptial inquiry may be entrusted to that person, who is, however, by an authentic document to inform that parish priest of the outcome of this inquiry as soon as possible.
2. The parties are to be interviewed separately, under oath, particularly concerning their civil and canonical freedom to marry, their understanding and acceptance of the ends and essential properties of marriage, and any possible impediments.
3. The prenuptial inquiry forms authorized for use in Canadian dioceses are to be used. They may be retained in their present form.
4. The prenuptial inquiry file shall contain the standard questionnaires, the baptismal and confirmation certificates, consent of parents or guardians where opportune, certification of publication of banns if they were published (cf. Decree No. 37 of the CCCB), as well as other pertinent documentation. In the case of a mixed marriage, the special form approved for use in Canada shall

also be completed by the person conducting the interview and included in the file.

5. If either or both parties intending to enter into marriage have been previously married, the prenuptial inquiry is not to proceed until there is a well-founded certainty that the former union has been dissolved or declared null. No date is to be set for the wedding until the required proof of freedom to marry and, where necessary, the appropriate approvals have been received.

6. In the case of a second marriage for either or both parties, when a previous union has been declared null, or has been dissolved for a reason other than death, particular care is to be taken if a *vetitum* or a *monitum* has been placed against either or both parties by the Apostolic See or a matrimonial tribunal. In such instances, before a date is set for the wedding, the Ordinary of the place where the marriage is to be celebrated is to be consulted according to the norms established in each diocese. Other situations which require the permission of the local Ordinary are listed in canon 1071.

OD no. 634; 03-04-91 ; SC 25 (1991). pp. 493 and 495.

B. Publication of the Marriage Banns

In accordance with the prescriptions of canon 1067, the Canadian Conference of Catholic Bishops hereby decrees that:

1. The canonical publication of marriage banns is no longer obligatory in Canada.

2. If banns are not published, the freedom of the parties to marry before the Church shall, in the case of Catholics, be determined by their presenting a baptismal certificate dated less than six months previously, and in the case of non-Catholics, by their presenting a duly authorized public document or the sworn statement of two persons testifying to their freedom to marry.

3. Furthermore, the prenuptial inquiry as determined in Decree No. 36 of the Canadian Conference of Catholic Bishops, shall also focus on the freedom of the parties to marry, their understanding and acceptance of the ends and essential properties of marriage, and on any possible impediments.

4. Banns may be published or posted if the parties so request or if diocesan regulations so recommend.

5. If banns are published according to prevailing customs, a written attestation shall be forwarded to the parish where the marriage is to be celebrated; in the case of a mixed marriage celebrated with dispensation from canonical form, an attestation shall also be sent to the parish of the Catholic party.

6. Persons marrying outside the parish of either of the parties, or, in the case

of a mixed marriage, outside the parish of the Catholic party, shall provide an authorization or a letter of freedom from their parish priest.

7. A *nihil obstat* from the local Ordinary of the place where the marriage is to be celebrated is also required in all instances where diocesan regulations so prescribe.

OD no. 635; 05-04-91 ; *SC* 25 (1991), pp. 499 and 501.

England and Wales:

The Conference enacts, in accordance with canon 1067, that the following norms are to be observed within its region:

1. The personal, pastoral preparation of those entering marriage must always include a course of instruction on Christian marriage (in particular, its meaning and purpose, its obligations, unity and permanence), and on the vocation and role of Christian spouses and parents;

2. The formal pre-nuptial enquiry with the spouses is intended to guard against invalid and injudicious marriages. In the enquiry the priest or deacon must always ascertain whether the spouses are free from ecclesiastical matrimonial impediments; he must also satisfy himself that they are entering marriage freely, and that they understand, are able and intend to accept unconditionally and to fulfil the essential obligations of the married state;

3. Independent confirmation of the spouses' freedom from matrimonial impediments is always required. When unable to provide that confirmation from his own personal knowledge, the priest or deacon is obliged to establish their freedom by some other means;

4. For pastoral and social reasons marriage banns should continue to be published at least in a Catholic's present parish of residence, except when, in the judgement of the priest, there is good reason to omit publication.

Briefing 86, p 158.

The Gambia, Liberia, and Sierra Leone:

At least three months' notice must be given before marriage. The local diocesan bishop may determine a longer period.

The two Conference booklets on preparation for marriage published at Pentecost 1984 are normative for the questions and enquiry to be carried out.

The Conference requires the publication of marriage banns, except where a valid dispensation has been obtained for pastoral reasons.

Before marriage is permitted, the couple must complete a marriage preparation

course approved by the local bishop.

ITCABIC. 3(1986), p. 4.

Nigeria:

Marriage is a lifelong partnership of life and love founded on the irrevocable consent of the partners. It is a sacrament of the Church showing the love existing between Christ and the Church his Bride. As an indissoluble union and as a sacrament, Christian marriage demands that much care should go into preparation and celebration (cf. c. 840). The ministers of the Church are urged to see that every condition required for the valid and lawful celebration of marriage is met before the celebration of marriage (c. 1066).

The Catholic Bishops' Conference of Nigeria lays down the following norms concerning the enquiry and other modes of investigations to ascertain the freedom of the parties and fulfillment of the requisite conditions for the lawful and valid celebration:

Norms for questioning of the parties:

1. When the parties come for the registration for marriage the parish priest or his assistant is personally to interview the intending spouses separately.
2. They are to answer the questions under oath, unless it is certain that they are truthful and trustworthy.
3. The parish priest or his assistant is to record the answers as accurately as possible. This record is to be signed by the interviewed party and preserved in the parish archives.
4. The interviewing priest is to question the parties on these and other points:
 - a) name, date and place of birth, religion, date and place of baptism, religious practice – first Holy Communion, confirmation, Easier duty (these could be unnecessary, if the baptismal card with the relevant information is available), communion with the Church (any excommunication or interdict);
 - b) address, domicile or quasi-domicile (home town or parish);
 - c) names and addresses and religion of parents;
 - d) freedom to marry; impediments – impotence and sterility (notan impediment but very important for Nigeria under fraud/deceit and error of quality); vows of celibacy; consanguinity or affinity, crime and public honesty; previous marriage, either Christian, civil or customary;
 - e) due knowledge – What do the parties understand Christian, marriage to be? Are they aware that marriage is between one man and one woman

- and that it is indissoluble? Any conditions attached?
- f) how long have they known each other and how well?
- g) parental and family support for the marriage.

5. A form of these questions can be prepared by each diocese.

6. A period of three months pre-marriage instruction is obligatory. A certificate of the completed instruction should be demanded.

Norms for Publication of Banns:

1. The publication of banns is the traditional way of making the Catholic community aware of the coming marriage and of giving the community the opportunity of manifesting reasonable objections to the marriage and of informing the pastor of any impediment;
2. The banns are to be sent to the home parish of the parties and are to be published for at least three consecutive Sundays in the church of the town of origin of the parties; also in the church of the place where the parties are actually residing;
3. Publication of the banns in the bulletin satisfies the obligation in no. 2. Also fixing the names on the notice board is acceptable;
4. Parish priests and vicars are to be punctual in replying to banns and should not use the banns to extort the payment of levies and other contributions;
5. After 6 weeks of sending out banns and no reply comes, a reminder is to be sent. At the expiry of another 6 weeks, the priest can approach the local Ordinary for permission to go ahead with the marriage;
6. The reply to the banns should be made with an authentic document, duly signed and sealed with parish stamp by the parish priest or vicar.

Norms for Other Means of Enquiry:

1. If after the pre-marriage investigation by means of questioning the parties and by the publication of banns, doubt remains about the freedom of the parties to marry or there is a doubt about the success of the marriage, the parents of the parties are to be interviewed, under oath.
2. The parish priest or his assistant is to use any other opportune and prudent means to satisfy himself about the requirements for a valid and lawful celebration of marriage and about the reasonable hope of the success of the marriage.

PCN. pp. 33-36.

United States of America:

Until a study is completed, the National Conference of Catholic Bishops authorizes diocesan bishops to establish interim norms for pre-marital investigation for their own dioceses.

NCCB Complementary Norms. p. 14.

CANON 1083

Particular Legislation: Age for Licit Celebration of Marriage.

The Gambia, Liberia, and Sierra Leone:

The Conference sets eighteen years for the man and sixteen years for the woman as the minimum age for a valid marriage. [Editor’s note: cf. c. 1083, §2: “Integrum est Episcoporum conferentiae aetatem superiorem ad *licitam* matrimonii celebrationem statuere” (emphasis added).]

ITCABIC, 3(1986), p. 6.

Nigeria:

The Catholic Bishops’ Conference of Nigeria accepts the ruling of canon 1083. §1. regarding the age for the validity of marriage but leaves it to the judgement of each local Ordinary to establish a higher age for the lawful celebration of marriage either in general or for individual cases within his jurisdiction.

PCN. p 36.

CANON 1085

The impediment of prior bond arises only from a valid union, 28 January 1989. Private.

Letter from judicial vicar:

Jane has petitioned our Tribunal for a declaration of nullity of her marriage to Peter. At the time of her marriage to Peter, Jane was not baptized. She was 20 years of age. Peter was Presbyterian and 20 years of age. The marriage took place

before a Protestant minister in 1978. The marriage ended in divorce in 1988.

Previous to the above marriage, Jane had been married to James. She was divorced from James at the time of her marriage to Peter.

While still married to Peter, Jane was baptized a Catholic. This was in 1983. Nothing had been done about clarifying the status of her previous marriage to James at the time she was baptized.

Subsequent to the Catholic baptism, Jane petitioned our Tribunal to have her marriage to James declared null. On May 1, 1984, one year after Jane became a Catholic, this Tribunal issued an affirmative sentence, declaring her marriage to James null; the proper Court of Second Instance confirmed the finding and the parties were properly notified.

Jane’s marriage to Peter was never validated nor annulled. They separated in 1986 and later divorced.

Our question is: Was Jane, a Catholic, bound to validate her civil union to Peter after her marriage to James was declared null in 1984?

Reply from Cong. for the Sacraments. January 28, 1989:

Through the kindness of the Apostolic Nuncio we have received your letter on December 28, 1988, in which you describe the marriage case of “JANE-PETER”. You ask whether Jane, a Catholic since 1983, was obliged to convalidate her marriage with Peter after her first marriage with James was annulled in 1984 by the ecclesiastical Tribunal of Corinth.

Having carefully examined the case we are able to answer your question:

Jane was not obliged to convalidate her marriage with Peter after the 1984 declaration of nullity of her first marriage with James, although at the moment of the proclamation of the annulment she was already a Catholic. In fact, the impediment of a bond is based upon the objective existence of the marriage bond. Jane was objectively free when she, on March 20, 1978, united herself in marriage to Peter. Since neither she nor he were Catholic, they were not held to the canonical form. Therefore, their marriage before a non-Catholic minister was valid, also before the Church, with no need of invalidation.

Exchange of corresp. between judicial vicar and Cong. for the Sacraments, January 1989 *RRAO* (1989): 23-24.

Sanation of a second marriage after the first marriage has been found null, 23 June 1989. Private.

Letter from U.S. archbishop:

A Catholic woman of this Archdiocese is sincerely desirous of returning to the

full practice of her faith and participation in the sacramental life of the Church. Her present civil union stands in the way of her being able to resume reception of the sacraments. Although her civil spouse was baptized Catholic, he is now not only lapsed from his practice of the faith but also harbors feelings of resentment toward the Catholic Church due to perceived unjust actions toward his parents. The pastor of this Catholic woman represents her situation to us and supports her petition. I concur with the judgment of the pastor in this case.

Since the husband refuses to validate the civil marriage the only available option which would facilitate the wife's return to the sacraments is a *sanatio in radice*. A previous response from the Congregation for the Sacraments (Prot. No. 1236/85) leads us to believe that a previous union on the part of the woman, even though it was a putative and not a valid marriage, constitutes the impediment of *ligamen*. Since this impediment is of divine origin it is beyond the competence of the bishop to *sanate* the marriage in question. Therefore, in light of the spiritual good that will accrue to the female petitioner, the possibility of her influence on her spouse by the example of her return to the sacraments, and to avoid ongoing scandal in the community it would be best that a sanation of this marriage be granted. I am recommending that such a favor be granted in this case. The union is a stable one and their consent continues to exist.

Reply from Congregation of the Sacraments, June 23, 1989:

In sending you the enclosed Rescript of radical sanation of the marriage of "ROBBIN-JAVIER" from your Archdiocese, the Congregation would like to make the following observations:

- 1) Cases of the radical sanation of marriages are reserved to the Holy See only when it is a question of an impediment of the natural law or of the divine positive law which has ceased to exist.
- 2) In this case the impediment of bond did not cease because of the declaration of nullity: it never existed since the couple were never joined in a valid marriage.
- 3) The marriage of the couple in question is invalid because of the lack of canonical form; therefore the Diocesan Bishop may grant sanation.

Hopefully these points will also prove helpful to Your Excellency for similar cases in the future.

Exchange of correspondence, between U.S. bishop and Cong. of the Sacraments, June 1989. *RRAO* (1989): 24-26. ■

CANON 1095

Allocution of John Paul II to Roman Rota, 5 February 1987. *AAS* 79 (1987): 1453-1459.

This annual meeting with you, dear brothers, who carry out your activity in the Tribunal of the Roman Rota, gives me great joy. I am grateful to the Dean, the judges, the other officials and to the advocates for the constant and diligent cooperation that they offer me in carrying out the judicial function which belongs to the Successor of Peter in regard to the universal Church. It is a valuable work offered to me by people who are highly qualified in the field of law and who represent the variety of languages and culture from all parts of the earth where the Church of God fulfills its mission.

I am grateful to you for your promise of fidelity to the Gospel and to Tradition, as well as for the effort to meet the new needs of the Church and deepen the knowledge of the authentic human reality in the light of revealed Truth.

In this regard, I wish to devote particular attention today to psychic incapacities, which, especially in some countries, have become the ground for a higher number of declarations of nullity of marriage.

We are well aware of the great progress that has been made by contemporary psychiatry and psychology. It must be appreciated how much these modern sciences have done and are doing to explain the psychic processes of the person, both conscious and unconscious, as well as the help that they give, by means of pharmacotherapy and psychotherapy, to many people in difficulty. The great research carried out and the remarkable dedication of so many psychologists and psychiatrists are certainly praiseworthy.

However, it must be recognized that the discoveries and achievements purely in the fields of psychology and psychiatry are not capable of offering a truly complete vision of the person. They are not capable of resolving on their own the fundamental questions concerning the meaning of life and the human vocation. Yet certain trends in contemporary psychology, going beyond their own specific competence, are carried into such territory and are introduced under the thrust of anthropological presuppositions, which cannot be reconciled with Christian anthropology. Hence there arise difficulties and obstacles in the dialogue between the psychological sciences on the one hand and the metaphysical and ethical sciences on the other.

Consequently the trial of cases of nullity of marriage on the grounds of psychic or psychological limitations demands on the one hand the help of experts in such subjects, who estimate, in accordance with their competence, the nature and degree of the psychic processes that impinge upon matrimonial consent and the ability of the person to assume the essential obligations of marriage. On the other hand, it does not dispense the ecclesiastical judge, in his use of the reports of experts, from

the duty of not allowing himself to be influenced by unacceptable anthropological concepts, which would eventually involve a misunderstanding concerning the truth of the facts and their meaning.

However, it is beyond doubt that a more profound knowledge of the theories worked out and of the results arrived at by the aforementioned sciences offers the possibility of evaluating the human response to the vocation of marriage in a more precise and discriminating manner than philosophy or theology alone would allow.

From what has been said already, it appears that dialogue and constructive communication between the judge and the psychiatrist or psychologist are easier if the starting point for both is located within the horizon of a common anthropology, in such a way that the vision of one remains open to that of the other, yet within their difference of method, interest and purpose.

If, however, the horizon within which the expert, psychiatrist or psychologist, moves is opposed or closed to that within which the canonist moves, dialogue and communication can become a source of confusion and misunderstanding. The very serious danger that derives from this second hypothesis as regards decisions about the nullity of marriage is obvious to all. The dialogue between judge and expert that is built on ambiguous premises can in fact easily lead to conclusions that are false and damaging to the real good of the parties and of the Church.

Such danger is not merely hypothetical if we consider that the anthropological vision from which numerous trends in the field of contemporary psychological sciences originate is on the whole decidedly irreconcilable with the essential elements of Christian anthropology. This is so because that vision is closed to values and meaning, which transcend the immanent factor and which allow man to tend toward the love of God and of his neighbor as his final vocation.

Such a closure cannot be reconciled with the Christian vision, which considers man as a being “created in the image of God, capable of knowing and loving his Creator.”¹ and at the same time himself divided.² The psychological trends referred to, presupposing on the one hand a pessimistic view, hold that man could not conceive any other aspiration than that imposed on him by his impulses or by social conditioning. Otherwise they take an exaggeratedly optimistic view and hold that man has within himself his fulfillment and that he can achieve it on his own.

According to some psychological trends, the vision of marriage is such (that it reduces the meaning of the marriage union simply to a means of gratification or of self-fulfillment or of psychological release.

Consequently, for the experts who take their inspiration from such tendencies, every obstacle that requires effort, commitment or renunciation, and still more, every failure in fact of a marriage union, easily becomes proof of the inability of

¹ *Gaudium et spes*, n. 12.

² Cf. *ibid.*, n. 10.

the presumed spouses to understand correctly and to succeed in their marriage.

Expert examinations carried out on the basis of such a reductionist anthropology do not in practice take into consideration the duty, arising from a conscious undertaking on the part of the spouses, to overcome, even at the cost of sacrifice and renunciation, the obstacles that interfere with the success of their marriage. Hence they regard every tension as a negative sign and as an indication of weakness and inability to live out their marriage.

Expert evidence of this kind therefore is inclined to extend the heading of incapacity of consent to include situations in which, due to the influence of the unconscious on the ordinary psychic life, people experience a reduction, but not however a deprivation, of their actual freedom to strive for the good they have chosen. It easily ends up by considering even cases of slight psychopathological disturbance, or eventually failures of the moral order, as proof of inability to assume the essential obligations of married life.

Unfortunately, it can happen that the said formulations are sometimes uncritically accepted by ecclesiastical judges.

The aforementioned vision of the person and of the institution of marriage cannot be reconciled with the Christian concept of marriage as “an intimate partnership of life and conjugal love” in which the spouses, “mutually surrender themselves to each other.”³

In the Christian plan, man is called to union with God as his last end, in whom he finds his proper fulfillment although he is impeded in the achievement of his vocation by the resistance that arises from his own concupiscence.⁴ The dichotomy affecting the modern world is in fact, “linked to the deeper dichotomy that is rooted in the heart of man.”⁵ In relation to marriage, this means that the realization of the meaning of the conjugal union by means of the mutual self-giving of the spouses becomes possible only by means of a continuous effort, which also includes renunciation and sacrifice. The love between (the spouses must in fact be modeled on the love of Christ, who “has loved us and given himself for us, sacrificing himself to God as a fragrant offering.”⁶

Research into the complexity and conditioning of psychic life ought not to lose sight of this integral and total conception of man, who is called by God and saved from his own weakness by means of the Holy Spirit.⁷ This is especially true when one wishes to outline a genuine vision of marriage which has been willed by God as an institution fundamental to society and elevated by Christ to a means of grace

³ *Ibid.*, n. 48; c. 1055, §1.

⁴ Cf. Council of Trent. *DS* 1515.

⁵ *Gaudium et spes*, n. 10.

⁶ Eph 5:2; 5:25.

⁷ *Gaudium et spes*, 10 and 13.

and sanctification.

Therefore, the findings of the experts, who have been influenced by the aforementioned views constitute a real occasion of deception for the judge who does not advert to the initial anthropological misunderstanding. With the use of this expert evidence, psychic maturity which is seen as the goal of human development ends up being confused with canonical maturity, which is rather the basic minimum required for establishing the validity of the marriage.

For the canonists, the principle must remain clear that only *incapacity* and not *difficulty* in giving consent and in realizing a true community of life and love invalidates a marriage. Moreover, the breakdown of a marriage union is never in itself proof of such incapacity on the part of the contracting parties. They may have neglected or used badly the means, both natural and supernatural, at their disposal. Alternatively, they may have failed to accept the inevitable limitations and burdens of married life, either because of blocks of an unconscious nature or because of slight pathological disturbances which leave human freedom substantially intact, or finally because of failures of a moral order. The hypothesis of real incapacity is to be considered only when an anomaly of a serious nature is present which, however it may be defined, must substantially vitiate the capacity to understand and/or to consent.

The judge, therefore, cannot and ought not expect from the expert a judgment on the nullity of marriage, and still less must he feel bound by any such judgment which the expert may at the event express. It is for the judge and for him alone to pronounce judgment on the nullity of marriage. The task of the expert is only that of providing the elements of information which have to do with his specific competence, that is, the nature and extent of the psychic and psychiatric realities on grounds of which the nullity of the marriage has been alleged. In fact, the code in canons 1578-1579 explicitly demands from the judge that he critically evaluate the reports of the experts. In this evaluation it is important that he should not allow himself to be misled either by superficial judgments or by expressions that are apparently neutral but which in reality contain unacceptable anthropological presuppositions.

However, every effort is to be encouraged in the preparation of ecclesiastical judges who know how to discern and understand the anthropological premises implied in the evidence of experts, and also in the preparation of experts in the various human sciences that promote a real integration between the Christian message and the true and continuous progress of scientific research conducted according to the criteria of a proper autonomy.⁸

The arduous task of the judge – that of treating responsibly difficult cases, such as those involving psychic incapacities for marriage, and always taking into

⁸Cf. *ibid.* n. 62.

consideration human nature, the vocation of man, and, connected with this, a right conception of marriage – this task is certainly a ministry of truth and charity in the Church and for the Church. It is a ministry of *truth* in so far as the genuine concept of Christian marriage is safeguarded even in the midst of cultures and fashions which tend to obscure it. It is a ministry of *charity* toward the ecclesial community, which is preserved from the scandal of seeing the value of Christian marriage being practically destroyed by the exaggerated and almost automatic multiplication of declarations of nullity of marriage in cases of the failure of marriage on the pretext of some immaturity or psychic weakness on the part of the contracting parties. It is also a service of charity toward the parties themselves, to whom declarations of nullity have to be refused out of love of the truth. In this way they are at least helped to recognize the true causes of the failure of their marriage. They are saved from the probable risk of finding themselves in the same difficulties in a new union sought as a remedy to the first failure, without having first tried all the means of overcoming the obstacles that they experienced in their valid marriage.

Finally, it is a ministry of *charity* toward the other pastoral institutions and bodies in the Church. By preventing the ecclesiastical tribunal from becoming an easy way out for the dissolution of marriages that have failed and of irregular situations between spouses, it prevents in fact any carelessness in the preparation of young people for marriage, which is an important condition for approaching the sacrament.¹⁰ It also brings about an increased commitment in the use of resources for pastoral care of people after marriage.¹¹ and especially for the care of difficult cases.¹²

In this way, the work of the judge in the ecclesiastical tribunal is linked in a real way and must always become more closely linked to the rest of the whole pastoral activity of the Church, as the Dean has mentioned. It ensures that the refusal of a declaration of nullity will become an occasion of opening new ways of solving the problems of married people in difficulty who have recourse to the ministry of the Church. It is never to be forgotten that every solution passes through the paschal mystery of death and resurrection and demands the whole commitment of the spouses themselves to be converted to salvation in order to be reconciled with the Father.¹²

Finally, I express the wish that your diligence, nourished by the love of Christ and of his Church as well as by pastoral zeal, may, through the publication of the volumes that contain your decisions, be a valid contribution to clarifying the discussion of the cases of which I have spoken and may have a beneficial influence

Familiaris Consortio, n. 66, cf. John Paul II, *Allocution to the Roman Rota*, January 24, 1981, in *L'Osservatore Romano*, English edition, (February 2, 1981), p. 10.

¹⁰ *Familiaris Consortio*, nn. 69-72.

¹¹ *Ibid.*, nn. 77-85.

¹² Cf. Mt 4:17; Mk 1:15.

on the activity of lower tribunals.

I assure you of my continued good will and I impart to you my heartfelt blessing.

John Paul II, 5 February 1987. address to the Roman Rota, *AAS* 79 (1987): 1453-1459; *Communicationes* 19:3-8; *TPS* 32 (1987): 131-136; *Origins* 16 (1986): 686-689.

CANON 1103

Authentic Interpretation: Application to Non-Catholics, 23 April 1987. AAS 79(1987): 1132.

D. Whether the defect of consent referred to in canon 1103 is able to be applied to marriages of non-Catholics?

R. Affirmative.

Pont. Comm. for the Auth. Interp. of the Code of Canon Law .44579(1987): 1132; *RRAO* (1990): 115.

CANON 1109

Marriage of a Catholic and Orthodox in a Byzantine ceremony, 7 November 1987. Private.

I am pleased to give a response to your esteemed letter of September 25th in which Your Most Reverend Excellency has submitted to me a question concerning matrimonial law.

Your Excellency has, first of all, set forth the procedure followed when a Latin Catholic, wishing to marry a non-Catholic with the required dispensation from the impediment, asks that the marriage be celebrated according to the Byzantine liturgical rite.

You then ask if, in this case, it is necessary also to have recourse to the Papal Representative.

After a careful examination of what Your Excellency has put forth, I assure You that what you have proposed safeguards the validity of the canonical form.

Insofar as we are referring, on the other hand, to the *liceity* of the celebration, allow me to mention that one must as a rule observe the liturgical rite of both spouses, if they belong to the same ritual Church; or of one of them in the case of an inter-ritual marriage (i.e., a mixed rite). However, in the case of a mixed marriage, it is necessary that the liturgical rite of the Catholic spouse be observed.

Preserving the exceptions allowed by law, only the Holy See can authorize a

celebration according to different liturgical rite.

Hence in the situation presented by Your Excellency, in which the sole Catholic spouse is of the Latin rite, it is necessary to obtain the permission of the Holy See, represented locally by the Most Reverend Apostolic Pro-Nuncio, to allow the celebration according to the Byzantine rite.

Cong, for the Oriental Churches, letter to bishop, 7 November 1987 *RRAO* (1988): 10-11.

CANON 1112

Particular Legislation: Lay Witnesses of Weddings.

United States of America:

In accord with canon 1112, the National Conference of Catholic Bishops recommends to the Holy See that it favorably entertain the requests of those individual diocesan bishops who, in view of the severe shortage of ordained ministers in certain vast territories of the United States, seek the faculty to delegate laypersons to assist at marriages.

Approved General Meeting, November 1989 Promulgated Minutes of November 1989 General Meeting. March 1990, www.necbuscc.org/norms.

Authorization Received for Lay Witnesses of Weddings, 2 February 1990. Private.

Last year a not unusual weather front over Valdez resulted in an unusual occurrence. The parish administrator, Sister Carol Ann Aldrich, was the official witness for a wedding when the priest (this writer) was blocked from Valdez by fog.

The event caused some stir across the country because, as far as anyone knew, that was the first time a sister had witnessed a wedding or, as it is often expressed, performed the wedding.

Unusual as it was, the action was consistent with canon law, perfectly legal and proper. Canon law is not, as some are prone to think, a block to action. Rather, it sets the parameters within which to act.

One of the difficulties about planning for weddings in our more remote parishes is the trickery of the weather. Will the usual minister for a wedding, either a priest or a deacon, get in? There have been a couple of near misses on that in the past.

Canon law provides an avenue around that uncertainty. On the recommendation of the National Conference of Catholic Bishops, a local bishop

may request from the Holy See permission to delegate a layperson or a religious sister or brother to witness a wedding. Last November, at my request, the bishops' conference gave the recommendation. In December, I petitioned the Holy Sec for the special permission. In January it was granted.

Late last year we secured from the state of Alaska the commission for those who are parish administrators (five religious sisters and one laywoman) to be official witnesses for the state. This commission is to be renewed each year.

There is no intention to take the priest or deacon from the scene. Rather, this permission will remove the uncertainty that at times hovers over a planned wedding when fog, rain or snow hovers over the town and makes the arrival of the priest or deacon questionable.

Is all this something new? Yes and no. Yes, in that this special permission has not been available before in the archdiocese. No, in that the permission has been granted in other countries since 1974, under Pope Paul VI.

The church and canon law are not as rigid as some are prone to think. It has a history of adjusting to extraordinary situations. The Archdiocese of Anchorage is now a part of that living history.

Archbishop Hurley, 2 February 1990, statement. *Origins* 19 (1989): 597, 599.

CANON 1117

A 7 1/2 year old child can “leave the Church by a formal act.” Private.

Letter from judicial vicar, 17 March 1989:

I write in order to request an interpretation of canon 1117 of the *Code of Canon Law*, specifically the meaning of this portion: “. .. *sit neque actu formali ab ea defecerit.* ..”

In February of 1962, Joan-Marie was conditionally baptized into the Catholic Faith. Immediately thereafter, she and her Catholic spouse, Tom Jones, convalidated their civil union of 12-years' duration and became practicing members of the Church. On 26 September 1965, the couple's infant son, Carl, was baptized as a Catholic; no subsequent sacraments, such as Penance, Eucharist and Confirmation, were ever received by him.

In 1972, Mr. and Mrs. Jones affiliated themselves with a fundamentalist Protestant sect, the Assembly of God, and on 24 December of that year they and their children – including the 7 1/2 year old Carl – were “rebaptized.” According to the current pastor of this congregation, “rebaptism” for a child of Carl's age is merely a means of demonstrating that he is being “dedicated” to God; it does not imply formal membership in the Assembly of God. No such enrollment can lake

place until the child is old enough to make their own personal faith-commitment, at about age 16. Carl never made such a personal commitment to the Assembly of God.

On 14 March 1987, Carl attempted marriage with Jackie, a Protestant, in a Lutheran ceremony; no dispensation from canonical form was obtained from Carl's Catholic Ordinary and the short-lived union was never subsequently convalidated before its termination in civil divorce.

Carl now wishes to marry a Catholic. He has been attending Mass and desires to return to the practice of his own Catholic faith by having his prior union declared null on the grounds of his failure to observe the necessary canonical form. The question is whether the action of Carl's parents and his "re-baptism" constituted a formal defection from Catholicism and, thus, released him from the obligation to fulfill the requirements of canon 1108, §1.

Can a dedication-service in 1972 bind an individual to a canonical prescription promulgated nearly thirteen years later (cf. c. 9)? Can a 7 1/2 year old boy freely and rationally choose to "defect" from the Church, or failing that, could his parents supply this free act of the will in his stead? If Carl never formally became a member of the Assembly of God through an act of commitment as an adult, does he thus remain bound to the Catholic canonical form for marriage?

Letter from Apostolic Pro-Nuncio, March 1989:

In your letter of March 17, 1989, you brought to the attention of this Apostolic Nunciature the marriage case of Carl Jones, presently before the Tribunal of the Diocese of Hippo. Mr. Jones has petitioned for an annulment of his marriage to Jackie, basing his case on canons 1108, §1, and 1117. It seems that Mr. Jones, though baptized a Catholic, was never reared in the faith and never received any of the sacraments other than baptism. Moreover, when he was 7 1/2 years old, Carl's parents affiliated themselves with a fundamentalist Protestant sect, the Assembly of God Church. At that time, Carl was "rebaptized" or "dedicated to God" in accordance with the rites of the Protestant group. The current pastor of the Assembly of God Church explains that this action does not imply formal membership since enrollment in the congregation cannot take place until the individual is old enough to make a personal faith commitment, usually thought to be around the age of 16.

Having reviewed carefully the information you provide, it seems that there is a doubt as to whether Mr. Jones' "rebaptism" constitutes a formal departure from the Catholic Church (c. 1117) and, subsequently, there is likewise the doubt whether, at the time of his marriage to Jackie he was bound to observe the canonical form (c. 1108, §1). I am therefore of the opinion that, in this case, the guiding norm must be found in canon 1060: "Marriage enjoys the favor of the law; consequently, when a doubt exists the validity of a marriage is to be upheld until

the contrary is proven.”

To spell out the implications of canon 1060 in the present instance, we would have to say much depends on the demonstrable intentions of Mr. Jones, both at the time of his “rebaptism” and that of his marriage to Jackie. In other words, before canon 1108, § 1, can be applied to this marriage case, it seems that the two events must be studied closely:

1. Despite his relatively early age, and the norms of the Assembly of God Church notwithstanding, the presumption of the law accounts Mr. Jones responsible for his actions in 1965 (see cc. 12 and 745 in the 1917 code, which are repeated in cc. II and 852 in the 1983 code). Thus, unless Mr. Jones can substantiate his claim that he never intended to embrace membership in the Assembly of God Church – that his actions belied his intentions – then it seems that it must be presumed that his break with the Catholic Church was formal.

2. Had Mr. Jones married Jackie prior to November 1983, the response to #1 would be irrelevant. According to the 1917 code he undoubtedly would have been bound to the canonical form of marriage. He married in 1987, however, and his status and validity of his actions must be measured by the *ins vigens* of the time. Thus, lacking concrete evidence to set aside the presumption of law mentioned in #1 and without unequivocal proof of his return to the Church prior to his marriage with Jackie, it does not seem possible for Mr. Jones to appeal to canon 1108, §1.

In concluding, I would only repeat: Unless the doubts concerning the status of Mr. Jones vis-a-vis the Church can be resolved with convincing evidence, I am of the opinion that the applicability of canon 1108, § 1, must be denied in this case and the validity of (he marriage presumed in accordance with canon 1060.

Exchange of correspondence between judicial vicar and Apostolic Pro-Nuncio, March 1989. *RRAO* (1989): 17-19.

CANON 1120

Particular Legislation: Rite of Marriage.

The Gambia, Liberia, and Sierra Leone:

Until the Conference has approved the Rite of Marriage in preparation at the pastoral centres, and the Rite has received the approval of the Holy See, the Roman Rite as approved for the United States, Great Britain and Ireland is the present approved rite.

BH

ITCABIC. 3(1986). p. 6.

Nigeria:

The Conference has decided to refer this case to the Liturgical Commission and the Catholic Institute of West Africa (C.I.W.A.) for the deep study and adaptation it requires.

PCN, p. 36

CANON 1121

Particular Legislation: Registering Marriage.

The Gambia, Liberia, and Sierra Leone:

The Conference leaves to the diocesan bishop to establish the method of recording marriages in parish or mission registers. The civil law for registration is to be strictly adhered to.

ITCABIC. 3 (1986). p. 8.

CANON 1125

Particular Legislation: Declaration and Promises for Mixed Marriages.

Canada:

In accordance with the prescriptions of canons 1125 and 1126 of the *Code of Canon Law* concerning the declarations and promises required of the Catholic party in view of obtaining the permission of the local Ordinary for a mixed marriage, the Canadian Conference of Catholic Bishops hereby decrees as follows:

- 1.The Catholic party must first declare that he or she is prepared to remove dangers of falling away from the Catholic faith (see c. 1125, 1°).
2. The Catholic party, after discussing the matter with the other party, is also to make a sincere promise to do all in his or her power to have the children born of the marriage baptized and brought up in the Catholic Church (seec. 1125, 1°).
3. The promises required of the Catholic party shall be made orally in the presence of the parish priest or his delegate who conducts the prenuptial inquiry; the presence of witnesses is not necessary. The non-Catholic party

is to be informed in good time of these promises and of the Catholic party's obligations (see c. 1125, 2°).

4. In order to obtain the authorization to proceed with the marriage, the parish priest of the Catholic party or his replacement shall assure the local Ordinary in writing that the promises have been made and that the non-Catholic party has been properly informed (see c. 1126).

5. The celebration of a mixed marriage cannot be authorized in those cases where it is clearly evident that the Catholic party is not sincere in making the promises or refuses to make them (see c. 1125).

6. The same promises must be made by the Catholic party when the partner is of a non-Christian faith or of no religion, before the dispensation which is required for the validity of the marriage can be granted (see c. 1086, §2).

OD no. 623; 08-03-90; *SC* 24 (1990), pp. 475 and 477.

England and Wales:

The procedure required by the Bishops' Conference of England and Wales is that:

1. The Catholic can choose to give the declaration in one of two ways, either:
 - a) The Catholic partner signs the declaration contained in the appropriate form in the presence of a priest, who also signs as a witness or:
 - b) The Catholic partner makes the declaration verbally in the presence of the priest who then signs a statement on the appropriate form confirming that this has been done.
2. The priest shall also fill up a form which includes:
 - a) The name and religious allegiance of each of the two people who propose to marry, the parish of the Catholic and the fact that the Catholic has applied to the priest for permission or dispensation.
 - b) A statement that the Catholic has given the necessary declaration and promise as in 'i' above.
 - c) A statement by the priest that the declaration and undertaking have been explained to the non-Catholic and indicating whether they were made in the presence of that person.
 - d) A statement by the priest that in his opinion the other partner will not oppose the Catholic's fulfillment of his or her declaration and promise in such a way as to make them meaningless.

v

e) The priest's signature to a declaration that all the statements made by him on the form are true.

Briefing 90. p. 139.

The Gambia, Liberia, and Sierra Leone:

In obtaining permission for a mixed marriage, the Catholic party is required to declare orally that he or she is prepared to remove all dangers of falling away from the faith and to make a sincere promise to do all in his or her power that the children will be baptized and brought up in the Catholic Church.

The priest applying for the permission for a mixed marriage is required to slate in writing that the Catholic party has made the above promise and that he has notified the non-Catholic party of such a promise.

ITCABIC, 3 (1986), p. 4.

Nigeria:

In accordance with the prescription of canon 1126, the Catholic Bishops' Conference of Nigeria determines as follows:

1. The Catholic party is to make the declaration and promise required by canons 1125 and 1086, §2, in writing in the presence of the parish priest or his representative and of the non-Catholic party and at least a parent or a very close relation of both the Catholic and non-Catholic parties. The declaration and promise are to be read out by the Catholic with his or her hand on the Bible;
2. The parish priest or his representative, together with the non-Catholic party and the parents or close relatives mentioned above are to sign as witnesses after the document signed by the Catholic party has been clearly explained to them;
3. The declaration and promise can be done with the following format:

I the undersigned Catholic, wishing to contract marriage with a baptized/an unbaptized non-Catholic do hereby declare that I am prepared to remove all dangers of defecting from my Catholic faith. I also sincerely promise to do all in my power to have all the children born of this marriage baptized and brought up in the Catholic Church. So help me God and the Holy Gospel which I touch with my hand.

The Catholic Party

The above declaration and promise made by a Catholic, have been done in my presence.

I am aware of the declaration and promise.

The non-Catholic Party

The above declarations and promise have been witnessed by:

Parish Priest or Parish Vicar.

2

Parent/close relation of the Catholic / Responsible witness

3

Parent / close relation of the non-Catholic party

4. The original of the document is to be preserved in the parish archives while an authentic copy is to accompany the application for the permission or dispensation for a mixed marriage.

For mixed marriages, disparity of cult or mixed religion banns must be published, and due investigations carried out.

Form for Application for Dispensation from the Impediment of Disparity of Cult.

I.....a Catholic, living at.....(Parish), Son/daughter of..... (Father) and.....(Mother) wishing to marry..... a non-baptized person, humbly begs a dispensation from the impediment of disparity of cult.

The reasons are:

1. cessation of public concubinage;
2. removal of grave scandal;
3. the danger of a civil marriage only;
4. the danger of a native law and custom marriage only;
5. the suspicion of dangerous familiarity;
6. difficulty for the Catholic party;
- 7.....

N.B. If any of the above reasons do not apply cancel those inapplicable and add any others which do apply.

PCN. pp. 37-38.

CANON 1127

Particular Legislation: Dispensation from Canonical Form for Mixed Marriages.

England and Wales:

For serious reasons the Catholic Church is willing to waive her requirement that her members marry before a Catholic bishop, priest or deacon, properly authorized for the puqiose. and two witnesses.

The element we would emphasize concerning this norm is that people should know both that the local Ordinary can dispense from canonical form, and that a serious reason is required for him lo do so. Il would be wrong for a priest to withhold this information. It would also be wrong for him to present petitions for dispensation where no serious reasons for it exists. The dispensation cannot be given simply and solely because the couple would like it.

Reasons for granting dispensations from canonical form should concern in some important way:

- 1. The spiritual well-being of the parties, especially if the non-Catholic parly is attached to the familial faith;
- 2. The tranquility and peace of their personal or family relationships;
- 3. Or be based on the special relationship that the non-Catholic party has lo a minister or non-Catholic place of worship.

The power to grani a dispensation from canonical form is in the hands of the local Ordinary of the Catholic party. If the proposed marriage is to take place outside his diocese, he is required by canon 1127. §2 to consult the Ordinary of the place of the celebration before granting the dispensation.

If a dispensation from form is granted, for validity some public form of celebration is required (c. 1127, §2). Care must be taken that the requirements of both canon law and civil law be fulfilled.

Rriefmt· 90. 140.

The Gambia, Liberia, and Sierra Leone:

The local diocesan bishop of the Catholic party has the right to dispense from the canonical form in individual cases. The Conference wishes the local diocesan bishops lo grant such a dispensation only in very exceptional circumstances. This dispensation must include a specific date, place, and official witness with a new

dispensation needed for any change.

FTCABIC. 3(1986), p. 6.

Nigeria:

In accordance with the norms of canon 1127, §2, the Catholic Bishops' Conference of Nigeria establishes the following norms:

1. The dispensation from canonical form can only be granted where there is sufficient guarantee about the faith of the Catholic party. It is left to the local Ordinary to determine if the danger of defection from the Catholic faith exists or not;
2. Before the dispensation is granted, the Catholic community is lobe prepared by good catechesis to bring out clearly that marriage outside the Catholic Church with dispensation from canonical form does not involve defection from the Catholic faith;
3. In the application for the dispensation from the canonical form the Catholic party must indicate the form of celebration which they intend to have;
4. The public forms of celebration acceptable in Nigeria for the validity of dispensation from form are still under further discussion.

PCN. p 39.

Philippines:

1. The following are considered grave and serious difficulties that warrant dispensation from the canonical form of marriage, as provided for in canon 1127, §2:
 - a) absolute refusal of the non-Catholic party;
 - b) strong opposition of most of the close relatives of the non-Catholic party;
 - c) danger to the good relationship of the parties;
 - d) serious economic damage to the party;
 - e) grave conflict of conscience of the non-Catholic party.
2. Whenever the dispensation of the canonical form is necessary, the local Ordinary of the Catholic party has the right to dispense from it in individual cases, having, however, consulted the Ordinary of the place of the celebration of marriage. For validity some public form of celebration is required.
3. Once a mixed marriage is celebrated, it shall be registered in the book of

marriage, in the usual manner as provided form canon 1121, §3. Likewise, the minister of the non-Catholic spouse shall be informed regarding the contracted marriage by the priest who solemnized the wedding or in whose territory the wedding was celebrated.

CBCP. pp. 41 -42.

Dispensation from canonical form invalidly granted. Private.

Letter from U.S. bishop:

I would be most grateful if you would consider bringing the following matter to the attention of the Commission for the Authentic Interpretation of the Code.

In May, 1966, our Chancery Office was approached by Didymus, a Catholic, domiciled in this Diocese of Perge. He wished to enter marriage with Zozyrna, a baptized non-Catholic, also domiciled in Perge. The wedding was to take place in the Archdiocese of Antioch, before a non-Catholic minister, *with a dispensation from the canonical form* [emphasis original].

Our Chancellor then wrote to the Archbishop of Antioch, in accord with canon 1127, §2, to inquire whether that Ordinary would object to our granting the requested dispensation from the canonical form. Then, however, the matter was forgotten for a time and our Chancellor (who has been delegated the faculty of dispensing from the canonical form) never in fact issued the dispensation.

Two years later, in 1988. Didymus approached our diocesan Tribunal with a Petition that his marriage to Zozyrna be declared null. The Tribunal's investigation verified: 1) that the marriage of Didymus and Zozyrna did indeed take place in the Archdiocese of Antioch, before a non-Catholic minister; 2) that our Chancellor, by an oversight, did not dispense from the canonical form; but 3) that a dispensation from the canonical form was in fact issued by the Chancery' Office in the Archdiocese of Antioch, where the nuptials were celebrated.

My question is this: Since the Ordinary who issued the dispensation *was not the local Ordinary of the Catholic party* [emphasis original] who is authorized to dispense according to canon 1127. §2, could the dispensation be considered to have been invalidly granted? In other words, is it necessary for the *validity* [emphasis original] of the dispensation that the issuing Ordinary be the local Ordinary *of the Catholic party* [emphasis original]?

Again. I would be most grateful if you could present this matter to your Commission, or at least refer me to the proper source for an answer to my question.

Letter from Pont. Comm, for the Auth. Interp. of the Code of Canon Law:

I am responding to your letter of 19 January in which you requested that this

Pontifical Commission consider the validity of a dispensation from canonical form in a mixed marriage granted by a local Ordinary other than the one to whom the Catholic party is subject.

The law regulating the grant of this kind of dispensation is clearly stated in canon 1127, §2, as you also noted in your letter. The only Ordinary who has the right of dispensing from canonical form in mixed marriages is the local Ordinary of the Catholic party. Only he can validly grant this dispensation. Since there is no real doubt of law (*dubium iuris*), which is the specific competence of this Commission, there is no basis for an official response.

Concerning the case you referred to in your letter, I could suggest a response of a rather personal and private character. It is possible that we are confronted with a situation of common error according to the norms of canon 144, §1. In any event, it is not possible for me to judge whether the necessary conditions for invoking common error prevailed or not. It is rather your competence to examine and evaluate the circumstances.

Exchange of corresp. between a U.S. bishop and the Pont. Comm, for the Auth. Interp. of the Code of Canon Law. January and February 1989. *RRAO* (1989): 15-16.

CANON 1130

“Secret marriages” of the elderly. Private.

Letter of Judicial Vicar:

Over the course of the past two years, I have been approached by several parish priests, requesting assistance on behalf of some elderly parishioners who have found themselves in difficult circumstances as regards a desire to marry in the Church.

It seems that these people, who are otherwise free to marry, are not able to do so in a public manner because such would jeopardize their hard-earned pension benefits or government-sponsored social security. To enter into a public marriage would deprive these individuals of certain funds which they deem essential for the maintenance of their basic needs. Yet, being good Catholics, they do not wish to cohabit without the Church's official recognition and blessing, nor do they desire to live as “brother and sister.”

To my knowledge, this particular situation has not been dealt with in any of the commentaries to which I am privy. Thus, my question concerns whether a case such as this might fulfill the “serious and urgent reason” mandated by canon 1130 for the celebration of a secret marriage.

I would note that in our State, marriages performed without a civil license are

valid, but the officiant “may be fined \$100 or sentenced to 30 days imprisonment in the county jail” for assisting at such a marriage. Presumably, other states impose greater-or-lesser penalties of a similar nature; this, too, is of some consequence in terms of the application of the above-cited canon.

May I kindly ask you for assistance in resolving this dilemma? I assure you of my gratitude for whatever insight you can offer, or for transmitting this inquiry to whatever curial office might provide a definitive response.

Letter of Apostolic Pro-Nuncio:

Upon my return from Rome, I received your letter of January 5, 1989, concerning the dilemma confronted by some elderly people who, though otherwise free to marry, hesitate to do so for fear of jeopardizing their retirement pension benefits and/or government-sponsored social security. The question has arisen whether cases such as these would satisfy the “serious and urgent reason” mandated by canon 1130 for the celebration of a secret marriage.

While I am pleased to offer an opinion on this matter, I would hasten to add that only the local Ordinary can give a “definitive response” to your inquiry. As Father Ladislav Orsy, S.J., notes in his commentary on canon 1130: “it would be idle to try to compose a list of such causes. They can be of great variety, originating in personal circumstances or in public situations. The law wisely leaves the concrete determination of a justifying cause to the local Ordinary.” (*Marriage in Canon Law*, [Michael Glazier, 1986] p. 198) In other words, this norm does not readily lend itself to interpretation through generic categories. Interpretation, rather, must take place within the context of designated individuals who find themselves in circumstances that are, for the most part, uniquely their own. Each case must be judged on its own merit. If a conflict arises and at times it is found the particular good of individual persons must take precedence over the common good, there must likewise be an openness to the fact that the reverse can be true.

Canon law – and, for that part, civil law as well – strives to protect the people from abuses that can follow from secret marriages: polygamy, deception, scandal, fraudulent deprivation of properly acquired inheritance, etc. Nevertheless the Church also recognizes that the public knowledge of a marriage can on occasion cause serious inconvenience, even harm, to the couple. A frequently cited example would be the case when civil law imposes an impediment which cannot have validity in canon law, such as the outlawing of “interracial” marriages and making them into a criminal offense. Other examples might include, “the preservation of the reputation of persons living in concubinage who are reputed to be married; the need of a widow to retain either the custody of her children or her employment, either of which she would be required to sacrifice on marriage; the protection of an inheritance which would be lost by marriage; restrictions of the secular law which prevent a pastor from assisting at marriage; but not forfeiture, on entering a second

marriage, of a pension paid the widow of a government employee.” (Abbo & Hannan, *The Sacred Canons*, B. Herder Book Co., vol. II, p. 364; Cappello, *De sacramentis*, vol. III, n. 723.)

The case which you present requires, first of all, two basic considerations: Does the loss of retirement benefits so clearly constitute a grave injustice that the safeguards of the common good should be set aside in this instance? Is there sufficient reason to conclude that the danger of serious scandal and/or serious harm to the sanctity of marriage can be avoided, both within the local community and in the Church? (c. 1132)

Another matter is that of the penal sanctions imposed by civil law on the officiate of a secret marriage, i.e., one performed without a license. You mention that, in your State, at least, this punishment could be a fine of \$100 or imprisonment for thirty days. Though I have not consulted with a civil attorney, I am inclined to think this penal norm may be applicable if it can be shown that the officiate was no more than lax or negligent in the performance of his duties as a civil magistrate for marriage. On the other hand, if it can be demonstrated that he actively conspired to defraud the federal government, I would tend to believe that the penalty could be much more severe.

Finally I would make one last observation. If the legislation governing retirement pensions or social security benefits is indeed blatantly unjust, perhaps it is worth questioning whether circumvention in particular cases is the appropriate response. For example, how does the broadest application of canon 1130 help elderly couples who have been married for years and even decades? They too must now look to retirement programs as their primary source of income. In order for them to reap any of the advantages which might flow from secret marriages, it seems they would have to legally divorce, then remain living together with the realization that their marriage is still valid in the eyes of the Church. Rather than circumventing civil statutes and asking people to bear the emotional scars that may accompany such activities, perhaps it is more prudent for the Church to mobilize her influence to have unreasonable laws changed. Such proposals could be brought to the attention of the National Conference of Catholic Bishops.

Exchange of correspondence between judicial vicar and Apostolic Pro-Nuncio, January 1989. *RRAO* (1989): 19-22.

CANON 1148

Denial of induit concerning marriages of baptized non-Catholics, 2 February 1990. Private.

This dicastery has carefully studied the “Proposal Submitted by Some Bishops of the United States to the Congregation for the Doctrine of the Faith” which you

personally presented on the occasion of your *ad limina* visit on June 4, 1988. The proposal deals with the problems of baptized divorced persons seeking to enter the Catholic Church who wish to have their remarriages recognized.

The Congregation appreciates the pastoral concerns of the bishops but, in respect to the area of its competence, finds it is unable to approve the requested indult for the reasons indicated in the enclosed observations.

Since the topic is perhaps of wider interest in the United States, we are also communicating this decision to the president of the National Conference of Catholic Bishops.

Some Observations on the Proposal of Some Bishops of the United States of June 4, 1988

1. The proposal no doubt refers to the practice contemplated by canon 1148 of the *Code of Canon Law*. This canon clearly contemplates the case of non-baptized polygamists. An analogous application of its rules for baptized persons having been married several times consecutively raises serious objections, especially in the case of a baptized non-Catholic having entered into a marriage with another baptized non-Catholic. A marriage between baptized persons, unlike that between the non-baptized, is considered sacramental by the official teaching of the Church, expressed again in canon 1055, §2 of the 1983 code. While a non-sacramental union might be dissolved in favor of the faith, a sacramental marriage enjoys the favor of law.
 2. The union of baptized persons can be dissolved only if found to be invalid and therefore non-sacramental. In the case of baptized persons "who have been married believing that the marriage is dissoluble," it should be pointed out that ignorance of indissolubility is not normally grounds for contesting the validity of the marriage (cf. c. 1099).
- Treating marriages of baptized persons "who believe that marriage is dissoluble" in similar fashion to marital unions of the non-baptized appears to run counter to too many weighty principles of the theology of marriage to be considered feasible through an indult.
3. Such an indult would have the added effect of compromising the discipline which excludes remarried persons from the sacraments discriminating, as it would, to the advantage of baptized persons who convert to Catholicism.
 4. In conclusion, our faith in the indissolubility of Christian marriage and our respect for the marriage of Protestants cannot but lead us to uphold the principles of the validity and sacramental nature of marriages of baptized non-Catholics, a presumption which obtains until the contrary is proven in a given judicial proceeding. Therefore, to reiterate: the granting of an indult in cases of baptized persons believing their marriages to be dissoluble, such as is contemplated in the proposal of some American bishops does not appear possible in view of our

theology of marriage and of the current canon law based on this theology.

CDF. 26 February 1990. reply to U.S. bishop. *RRAO* (1990): 15-17.

CANON 1150

Instruction on preparing petitions for dissolution in favor of the faith, July 1986. Private.

In the preparation of cases dealing with the Dissolution of Marriages in Favor of the Faith, the Local Ordinaries are kindly requested to ensure that those preparing the necessary documentation clearly understand what is required and that they comply fully with the Norms of this Congregation dated December 6, 1973.

We are especially anxious that the Diocesan Tribunals should be careful in the following matters:

- 1) The proper nomination for each case of a Tribunal consisting of a Judge, Defender of the Bond, and a Notary. It seems pointless to continue appointing to these offices people who have constantly to delegate their work to others.
- 2) Except in special circumstances, the diocesan Judge should interview the witnesses according to the circumstances of the case. The judges here cannot fully understand a case prepared by filling out forms in the presence of inexperienced persons. Due regard should be given to the causes of the failure of the marriage. Telephone conversations are not accepted in place of evidence that usually should be given and sworn to before the local Judge.
- 3) According to the Norms, the Respondent has a right to be heard. While the person in question may sometimes not wish to be involved every honest effort should be made to present both sides of the case.
- 4) In the case of the Dissolution of a Marriage in Favor of the Faith, one of the parties must be unbaptized. Too often the members of the family of the non-baptized person are ignored while casual friends are interviewed instead.
- 5) Some dioceses do not fill up the Summary or Questionnaire. Others send a shortened or inaccurate version. Much time is lost here and much trouble caused writing for documents that should have been included and numbered in the Acts from the beginning.
- 6) The Judge must be an ecclesiastic. *“Processum, concessioni gratiae dissolutionis matrimonii legitimi permittendum, conficit loci Ordinarius competens juxta praescriptum Litt. Ap. Causas matrimoniales, IV, I. vel*

perse, vel per alium ecclesiasticum virum ab eo delegatum. " Normae, Art. 1.

- 7) Often, answers written by hand are difficult to read – especially when copies are made. All information should be typewritten.
- 8) *Cautiones*: These should be given on a separate page, and listed in the Index.

CDF. July 1986. instruction sent to the NCCB. *RRAO* (1986): 34-35.

Letter concerning petition for dissolution of non-sacramental marriages in favor of the faith, June 13, 1989. Private.

Letter from Congregation for the Doctrine of the Faith. June 13. 1989:

Jerome, Bishop of Smyrna, received the following letter concerning a petition which he submitted to the Congregation.

This Congregation has studied the acts of the Smith/Jones marriage case in favor of the faith and the following difficulties have been noted:

- 1) The witnesses were not interviewed under oath before an appointed judge. The evidence seems to have been gathered by filling up forms at home, and then posting the documentation to the tribunal.
- 2) The reason for the failure of the marriage should be further investigated, questioning also Rita Roe, the proposed spouse, and if at all possible, the respondent.

We enclose a *Pro Memoria* that may be of help to the members of your marriage tribunal.

Any help Your Excellency may wish to give in these matters will be welcomed here.

What followed the letter were the 1986 Instructions of the Congregation for the Doctrine of the Faith for marriage cases in favor of the faith as cited above.

Congregation for the Doctrine of the Faith. 13 June 1989. instruction *RRAO* (1990): 27-29

CANON 1176**Order of Christian Funerals, 15 August 1989. NCCB.**

In accord with the norms established by decree of the Sacred Congregation of Rites *Cum, nostra aetate* (27 January 1966), the Order of Christian Funerals is declared to be the vernacular typical edition of the *Ordo Exsequiarum* for the dioceses of the United States of America and may be published by authority of the National Conference of Catholic Bishops.

The *Order of Christian Funerals* was canonically approved by the National Conference of Catholic Bishops in plenary assembly on 14 November 1985 and was subsequently confirmed by the Apostolic See by decree of the Congregation for Divine Worship on 29 April 1987 (Prot. No. CD 1550/85).

On 1 October 1989 the *Order of Christian Funerals* may be published and used in funeral celebrations. From All Souls Day, 2 November 1989, its use is mandatory in the dioceses of the United States of America. From that date forward no other English version of these rites may be used.

Given at the General Secretariat of the National Conference of Catholic Bishops, Washington, DC, on 15 August 1989, the Solemnity of the Assumption.

Most Rev. John L. May, President, NCCB. 15 August 1989, decree *re* mandatory use. *BCL Newsletter* 25 (September 1989): 34.

CANON 1210**Instruction regarding Music Concerts in Churches, 5 November 1987. Cong, for Divine Worship.****I. Music in churches other than during liturgical celebrations**

The interest shown in music is one of the marks of contemporary culture. The ease with which it is possible to listen at home to classical works, by means of radio, records, cassettes and television, has in no way diminished the pleasure of attending live concerts, but on the contrary has actually enhanced it. This is encouraging, because music and song contribute to elevating the human spirit.

The increase in the number of concerts in general has in some countries given rise to a more frequent use of churches for such events. Various reasons are given for this: local needs, where for example it is not easy to find suitable places; acoustical considerations, for which churches are often ideal; esthetic reasons, namely the desire to perform in beautiful surroundings; reasons of fittingness, that

is, to present the works in the setting for which they were originally written; purely practical reasons, for example facilities for organ recitals: in a word, churches are considered to be in many ways apt places for holding a concert.

Alongside this contemporary development a new situation has arisen in the church.

The *Scholae cantorum* have not had frequent occasion to execute their traditional repertory of sacred polyphonic music within the context of a liturgical celebration.

For this reason, the initiative has been taken to perform this sacred music in church in the form of a concert. The same has happened with Gregorian chant, which has come to form part of concert programs both inside and outside of church.

Another important factor emerges from the so-called “spiritual concerts,” so termed because the music performed in them can be considered as religious, because of the theme chosen, or on account of the nature of the texts set to music, or because of the venue for the performance.

Such events are in some cases accompanied by readings, prayers and moments of silence. Given such features they can almost be compared to a “devotional exercise.”

The increased numbers of concerts held in churches has given rise to doubts in the minds of pastors and rectors of churches as to the extent to which such events are really necessary.

A general opening of churches for concerts could give rise to complaints by a number of the faithful, yet on the other hand an outright refusal could lead to some misunderstanding.

First, it is necessary to consider the significance and purpose of a Christian church. For this, the Congregation for Divine Worship considers it opportune to propose to the episcopal conferences and, insofar as it concerns them, to the national commissions of liturgy and music, some observations and interpretations of the canonical norms concerning the use of churches for various kinds of music: music and song, music of religious inspiration and music of non-religious character.

At this juncture it is necessary to reread recent documents which treat of the subject, in particular the Constitution on the Liturgy *Sacrosanctum Concilium*, the Instruction *Musicam Sacram*, of March 5, 1967, the Instruction *Liturgicae Instaurationes* of September 5, 1970, in addition to the prescription of the *Code of Canon Law*, canons 1210, 1213 and 1222.

In this present letter the primary concern is with musical performances outside of the celebration of the liturgy.

The Congregation for Divine Worship wishes in this way to help individual bishops to make valid pastoral decisions, bearing in mind the socio-cultural situation of the area.

II. Points for consideration

The Character and purpose of churches

According to tradition as expressed in the rite for the dedication of a church and altar, churches are primarily places where the People of God gather and are “made one as the Father, the Son and the Holy Spirit are one, and are the Church, the temple of God built with living stones, in which the Father is worshipped in spirit and in truth.” Rightly so, from ancient times the name “church” has been extended to the building in which the Christian community unites to hear the word of God, to pray together, to receive the sacraments, to celebrate the Eucharist and to prolong its celebration in the adoration of the Blessed Sacrament.¹

Churches, however, cannot be considered simply as public places for any kind of meeting. They are sacred places, that is, “set apart” in a permanent way for Divine Worship by their dedication and blessing.

As visible constructions, churches are signs of the pilgrim Church on earth, they are images that proclaim the heavenly Jerusalem, places in which are actualized the mystery of the communion between man and God. Both in urban areas and in the countryside, the church remains the house of God, and the sign of his dwelling among men. It remains a sacred place, even when no liturgical celebration is taking place.

In a society disturbed by noise, especially in the big cities, churches are also an oasis where people gather, in silence and in prayer, to seek peace of soul and the light of faith.

That will only be possible insofar as churches maintain their specific identity. When churches are used for ends other than those for which they were built, their role as a sign of the Christian mystery is put at risk, with more or less serious harm to the teaching of the faith and to the sensitivity of the People of God, according to the Lord’s words: “My house is a house of prayer.”²

Importance of sacred music

Sacred music, whether vocal or instrumental, is of importance. Music is sacred “insofar as it is composed for the celebration of divine worship and possesses integrity of form.”³ The Church considers it a treasure of inestimable value, greater even than that of any other art,⁴ recognizing that it has a “ministerial function in the

¹ Cf. Order of the dedication of a church, ch. II. ¹

² Lk 19:46.

³ *Musical Sacrament*, n. 4a.

service of the Lord;”⁴ and recommending that it be “preserved and fostered with great care.”⁵

Any performance of sacred music which takes place during a celebration should be fully in harmony with that celebration. This often means that musical compositions which date from a period when the active participation of the faithful was not emphasized as the source of the authentic Christian spirit⁶ are no longer to be considered suitable for inclusion within liturgical celebrations.

Analogous changes of perception and awareness have occurred in other areas involving the artistic aspect of divine worship; for example, the sanctuary has been restructured, with the president’s chair, the ambo and the altar *versus populum*. Such changes have not been made in a spirit of disregard for the past, but have been deemed necessary in the pursuit of an end of greater importance, namely, the active participation of the faithful. The limitation which such changes impose on certain musical works can be overcome by arranging for their performance outside the context of liturgical celebration in a concert of sacred music.

Organ music

The performance of purely instrumental pieces on the organ during liturgical celebrations today is limited. In the past the organ took the place of the active participation of the faithful and reduced the people to the role of “silent and inert spectators” of the celebration.⁷

It is legitimate for the organ to accompany and sustain the singing either of the assembly or the choir within the celebration. On the other hand, the organ must never be used to accompany the prayers or chants of the celebrant nor the readings proclaimed by the reader or the deacon.

In accordance with tradition, the organ should remain silent during penitential seasons (Lent and Holy Week), during Advent and the Liturgy for the Dead. When, however, there is real pastoral need, the organ can be used to support the singing.

It is fitting that the organ be played before and after a celebration as a preparation and conclusion of the celebration.

It is of considerable importance that in all churches, and especially those of some importance, there should be trained musicians and instruments of good quality. Care should be given to the maintenance of organs and respect shown toward their historical character both in form and tone.

⁴Cf. *Sacrosanctum Concilium*, n. 112.

⁵*SC.n.* 114.

⁶ *SC. n. 14*, Pius X. *Tra le sollecitudini*.

Pius XI. *Divini Cultus*, n. 9.

III. Practical directives

The regulation of the use of churches is stipulated by canon 1210 of the *Code of Canon Law*:

“In a sacred place only those things are to be permitted which serve to exercise or promote worship, piety and religion. Anything out of harmony with the holiness of the place is forbidden. The Ordinary may, however, for individual cases, permit other uses, provided they are not contrary to the sacred character of the place.”

The principle that the use of the church must not offend the sacredness of the place determines the criteria by which the doors of a church may be opened to a concert of sacred or religious music, as also the concomitant exclusion of every other type of music. The most beautiful symphonic music, for example, is not in itself of religious character. The definition of sacred or religious music depends explicitly on the original intended use of the musical pieces or songs, and likewise on their content. It is not legitimate to provide for the execution in the church of music which is not of religious inspiration and which was composed with a view to performance in a certain precise secular context, irrespective of whether the music would be judged classical or contemporary, of high quality or of a popular nature. On the one hand, such performances would not respect the sacred character of the church, and on the other, would result in the music being performed in an unfitting context.

It pertains to the ecclesiastical authority to exercise without constraint its governance of sacred places,⁸ and hence to regulate the use of churches in such a way as to safeguard their sacred character.

Sacred music, that is to say, music which was composed for the liturgy but which for various reasons can no longer be performed during a liturgical celebration, and religious music, that is to say, music inspired by the text of Sacred Scripture or the liturgy and which has reference to God, the Blessed Virgin Mary, the saints or the Church, may both find a place in the church building, but outside liturgical celebration. The playing of the organ or other musical performance, whether vocal or instrumental, may “serve to promote piety or religion.” In particular they may:

- a. prepare for the major liturgical feasts, or lend to these a more festive character beyond the moment of actual celebration;
- b. bring out the particular character of the different liturgical seasons;
- c. create in churches a setting of beauty conducive to meditation, so as to arouse even in those who are distant from the Church an openness to spiritual values;

* Cf. c. 1213

- d. create a context which favors and makes accessible a proclamation of God's Word, as for example, a sustained reading of the Gospel;
- e. keep alive the treasures of Church music which must not be lost; musical pieces and songs composed for the liturgy but which cannot in any way be conveniently incorporated into liturgical celebrations in modern times; spiritual music, such as oratorios and religious cantatas which can still serve as vehicles for spiritual communication;
- f. assist visitors and tourists to grasp more fully the sacred character of a church, by means of organ concerts at prearranged times.

When the proposal is made that there should be a concert in a church, the Ordinary is to grant the permission *per modum actus*. These concerts should be occasional events. This excludes permission for a series of concerts, for example in the case of a festival or a cycle of concerts.

When the Ordinary considers it to be necessary, he can, in the conditions foreseen in the *Code of Canon Law*, canon 1222. §2, designate a church that is no longer used for divine service to be an “auditorium” for the performance of sacred or religious music, and also of music not specifically religious but in keeping with the character of the place.

In this task the bishop should be assisted by the Diocesan Commission for Liturgy and Sacred Music.

In order that the sacred character of a church be conserved in the matter of concerts, the ordinary can specify that:

- a. Requests are to be made in writing, in good time, indicating the date and time of the proposed concert, the program giving the works and the names of the composers.
- b. After having received the authorization of the Ordinary, the rectors and parish priests of the churches should arrange details with the choir and orchestra so that the requisite norms are observed.
- c. Entrance to the church must be without payment and open to all.
- d. The performers and the audience must be dressed in a manner which is fitting to the sacred character of the place.
- e. The musicians and the singers should not be placed in the sanctuary. The greatest respect is to be shown to the altar, the president's chair and the ambo.
- f. The Blessed Sacrament should be, as far as possible, reserved in a side chapel or in another safe and suitably adorned place?
- g. The concert should be presented or introduced not only with historical or

"Cf. C/C.c. 938, par. 4.

technical details, but also in a way that fosters a deeper understanding and an interior participation on the part of the listeners.

- h. The organizer of the concert shall declare in writing that he accepts legal responsibility for expenses involved, for leaving the church in order, and for any possible damage incurred.

The above practical directives should be of assistance to the bishops and rectors of churches in their pastoral responsibility to maintain the sacred character of their churches, designed for sacred celebrations, prayer and silence.

Such indications should not be interpreted as a lack of interest in the art of music.

The treasury of sacred music is a witness to the way in which the Christian faith promotes culture.

By underlining the true view of sacred or religious music, Christian musicians and members of "*scholae cantorum*" should feel that they are being encouraged to continue this tradition and to keep it alive for the service of the faith, as expressed by the Second Vatican Council in its message to artists:

"Do not hesitate to put your talent at the service of the divine truth. The world in which we live has need of beauty in order not to lose hope. Beauty, like truth, fills the heart with joy. And this, thanks to your hands."¹⁰

Cong. for Div. Worship. 5 November 1987. instruction. *TPS* 33 (1988): 55-59; *Origins* 17(1987): 468-470, *BCL Newsletter* 24 (January 1988): 1-4.

CANON 1233

Norms for Minor Basilicas, 9 November 1989. AAS 82 (1990): 436-445.

The Congregation for Divine Worship and the Discipline of the Sacraments has issued a decree, dated November 9, 1989, concerning the concession of the title of minor basilicas to churches outside the city of Rome. This title is granted to certain churches which manifest an active liturgical and pastoral life in accord with the norms, directives, and laws of the Church and thereby have a special bond to the Roman Church and the Supreme Pontiff.

After the Second Vatican Ecumenical Council norms for minor basilicas were issued by the Sacred Congregation of Rites in the decree *Domus Dei* (6 June 1968). These norms are now superseded by those of November 9, 1989. A summary of the new norms follows:

¹⁰ Cf. Second Vatican Council. Message to Artists. December 8, 1965

Conditions for Obtaining the Title of Minor Basilica

1. A Church which is proposed for the title of minor basilica must be dedicated according to the proper liturgical rite. It should be a center of liturgical and pastoral life in the diocese, especially in regard to the celebration of the Eucharist, penance, and the other sacraments. These celebrations should be exemplary both in their preparation and execution, faithfully observing liturgical norms, and with the active participation of the people of God.

2. In order that worthy and exemplary celebrations might be carried out, the church must be large enough and have a presbyterium (sanctuary) of sufficient size. The various elements which are required for the liturgical celebration (altar, ambo, presidential chair) should be situated according to the requirements of the restored liturgy (see *General Instruction on the Roman Missal*, nos. 253-280).

3. The church should be renowned throughout the diocese. For example, it has been built and dedicated to God on the occasion of some historical-religious event, or it contains the body or relics of a saint, or it houses a sacred image which is particularly venerated.

The church also should be considered valuable because it is an historical monument or because of its artwork.

4. In order that the various celebrations in the course of the liturgical year might be laudably carried out in the church, it is necessary that it have a number of priests who are responsible for liturgical-pastoral care, especially in the celebration of the Eucharist and penance (for which a suitable number of confessors should be present at set times to meet the needs of penitents).

In addition, it is required that the church have a sufficient number of liturgical ministers as well as an adequate choir to encourage the faithful's participation in the music and sacred song.

Documents Needed for Granting the Title of Minor Basilica

The following documents must be sent the Congregation for Divine Worship and the Discipline of the Sacraments:

- 1) *Petition* of the local Ordinary, even if the church is under the care of a religious community;
- 2) *Nihil obstat* or favorable judgment of the National Conference of Catholic Bishops;
- 3) *Report* on the origin, history, and religious activity (worship and pastoral activities, organizations, and works of charity) of the church;
- 4) *Slides or photographs* which show the exterior and interior of the church, particularly the arrangements of the presbyterium (altar, ambo, presidential chair) and other places and seats destined for the carrying out of the celebrations (chairs

for the ministers, baptistry or baptismal font; place for the reservation for the Eucharist, and the place for the celebration of the sacrament of penance);

5) *Information* concerning the church as indicated in the “Questionnaire” which is to be completed and returned to the Congregation for Divine Worship and the Discipline of the Sacraments.

Liturgical and Pastoral Offices and Works

1. In the minor basilica liturgical instruction of (he Christian faithful should be promoted by means of conferences and particular courses of instruction, serious discussions, and other similar attempts.

Within the basilica great effort should be given to studying and making available the documents of the Supreme Pontiff and the Holy See, especially those concerning the liturgy.

2. Great care should be shown in preparing and carrying out the celebrations of the liturgical year especially those during Advent, Christmas, Lent, and Easter.

During Lent, where the practice of gathering the local Church in the form of the “Roman Stations” are observed (see *Sacramentary*, note at the beginning of (he Lenten season, and the *Ceremonial of Bishops* nos. 260-262), it is recommended that the basilica be one of these “stations.”

The Word of God should be zealously proclaimed both in liturgical homilies and in preaching on other occasions.

The active participation of (he faithful should be promoted both in the celebration of the Eucharist and in the celebration of the Liturgy of the Hours, especially Morning and Evening Prayer.

In addition, approved and worthy forms of popular devotion should be cultivated.

3. Since the liturgy has a more noble form when it is sung, care should be taken to see that the assembly of the Christian faithful be able to sing the parts of the Mass, especially those found in the Ordinary of the Mass (see Constitution on the Liturgy *Sacrosanctum Concilium*, no. 54; Sacred Congregation of Rites Instruction *Musicam Sacram*, [5 March 1967]).

In a basilica where the faithful from various nations or language groups frequently gather it is desirable that the know how to sing the profession of faith and the Lord’s Prayer in Latin (see *General Instruction of the Roman Missal*, no. 19) set to simple melodies, such as those of Gregorian chant proper to the Roman liturgy (Constitution on the Liturgy *Sacrosanctum Concilium*, no. 116)

4. In order to make clear the particular bond of communion which unites the minor basilica to the chair of Peter, the following should be celebrated with particular care:

the feast of the Chair of Peter (February 22);

the solemnity of Peter and Paul (June 29);
 the anniversary of the election of the beginning of the pastoral ministry of the Supreme Pontiff.

Concessions Granted to Minor Basilicas

1. The day on which the granting of the title of basilica by the Apostolic See is publicly announced should be prepared for the festively carried out with suitable preaching, prayer vigils, and other celebrations, either on the days before or after the proclamation of the title.

On these days the Mass and Liturgy of the Hours may be of the title of the church, of the saint or sacred image which receives special veneration in the church, or “for the local Church” or “for the Pope.” if these days do not occur on the days indicated in I. 1-4; and II, 5-6 of the table of liturgical days according to their order of precedence (see *General Norms for the Liturgical Year and the Calendar*, no. 59).

On the day itself on which the title is proclaimed the Mass of the day or none of the Masses indicated above, according to the rubrical norms, is celebrated. At the beginning of the celebration the apostolic letter or the decree raising the church to the status of a basilica is read in the vernacular before the Gloria.

2. The faithful who piously visit the basilica and there participate in a sacred rite or at least recite the Lord’s Prayer and the Creed may, under the usual conditions (sacramental confession, Eucharistic communion and prayer for the intentions of the Supreme Pontiff), obtain a plenary indulgence on the following days:

anniversary of the dedication of the basilica;
 day of the liturgical celebration of the titular;
 the solemnity of Peter and Paul;
 the anniversary of granting the title basilica;
 once a year on the day determined by the local ordinary;
 once a year on the day that each of the faithful is free to choose.

3. The pontifical insignia, that is, “the crossed keys,” may be used on banners, on furnishings, and in the seal of the basilica.

4. The rector of the basilica, or the person who presides over the basilica, may licitly in the exercise of his office wear over the cassock or religious habit and surplice a black mozzetta with trim, button holes, and buttons of red.

CDW, Decree regarding norms for minor basilicas. November 9. 1989. SUMMARY in BCL Newsletter 26 (July 1990). 25-27.

CANON 1236

Particular Legislation: Material for Use in Altars.

Canada:

In accordance with the prescriptions of canon 1236, §1, the Canadian Conference of Catholic Bishops hereby decrees that the table of a fixed altar is to be constructed with natural stone, or any solid, worthy material approved by the diocesan bishop. This decree is effective immediately.

OD no. 580; *OM* 12-87; SC 22 (1988), p. 215.

The Gambia, Liberia, and Sierra Leone:

The Conference allows any worthy and solid material to be used for fixed altars. It thus approves suitable timber altars.

FTCABIC, 3(1986), p. 6

Nigeria:

The Catholic Bishops' Conference of Nigeria judges it fit that, instead of a single natural stone for the table of a fixed altar, other worthy and solid material may be used. The support or the base can be made from any material.

PCN, p. 39.

Philippines:

Though natural stone is preferred, other worthy, solid and dignified materials may be used for the construction of fixed altars.

CBCP, p. 12.

South Africa:

In accordance with the prescriptions of canon 1236, §1, the Southern African Catholic Bishops' Conference hereby decrees that the table of a fixed altar is to be constructed with natural stone or any solid, worthy material approved by the diocesan Bishop.

SACBC

CANON 1246

Impeded solemnities occurring in a liturgical year, June 1987 *Notitiae*.

Celebration of Solemnities.

In 1989 the solemnity of Saint Joseph, Husband of Mary (March 19) falls on the same day as Passion (Palm) Sunday and the solemnity of the Annunciation of the Lord (March 25) occurs on Holy Saturday. These two conflicts in the calendar are resolved in the following manner:

Celebration of the solemnity of Saint Joseph, Husband of Mary

According to the *General Norms for the Liturgical Year and the Calendar*, no. 60, the solemnity of Saint Joseph, Husband of Mary, is anticipated on Saturday, March 18. But, wherever this solemnity is not observed as a holy day of obligation, it may be transferred by the conference of bishops to another day outside Lent, according to no. 56 of the *General Norms*.

Celebration of the solemnity of the Annunciation of the Lord

The solemnity of the Annunciation of the Lord will be celebrated on April 3, the Monday after the Second Sunday of Easter. Henceforth whenever this solemnity falls on some day in Holy Week, it will always be transferred to the Monday after the Second Sunday of Easter.

Cong. for Div. Worship, notice. *Notitiae* 23 (June 1987): 397, *BCL Newsletter* 23 (September/October 1987): 40.

Fourth Sunday of Advent and Christmas in 1989. NCCB.

Several dioceses in the United States have already begun to address the scheduling of Masses on Sunday, December 24, and Monday, December 25, this year. The Liturgy Secretariat encourages all dioceses and parishes to consider thoughtfully recent trends in Christmas Mass scheduling and the serious challenge posed this year.

Christmas last fell on a Monday in 1978. Since that time it has become more and more the practice in the United States that Catholics celebrate Christmas by participating in one of the vigil Masses in their parish. This phenomenon has led to the multiplication of Masses on Christmas Eve in an attempt to accommodate the large crowds. Although these crowds are indeed commendable, the resulting increase in the number of Christmas vigil masses should not compromise the

importance of celebrating the paschal mystery on Sunday, “the original feastday” (CSL 106) when Christmas falls on the next day. As the *General Norms for the Liturgical Year and the Calendar* 5 states: “Because of its special importance, the Sunday celebration gives way only to solemnities or feasts of the Lord. The Sundays of the seasons of Advent, Lent, and Easter, however, take precedence over all solemnities and feasts of the Lord.” Therefore, every attempt should be made to catechize the faithful as to the primary importance of Sunday and, in particular because of this year’s calendar, the relationship between the Fourth Sunday of Advent and Christmas. It may be suggested that the faithful be encouraged to attend Mass on the morning of the Fourth Sunday of Advent and on Christmas morning or on the vigil of the Fourth Sunday of Advent and the vigil of Christmas or the Mass at Midnight.

Parishes are encouraged to review the Mass schedules for the Fourth Sunday of Advent and Christmas and to keep in mind the potential strain on the clergy and other ministers which could result from inattention to liturgical principles and pastoral situations. It may be suggested that the number of vigil masses on both Saturday and Sunday be limited and that masses with low attendance be combined with other masses for this one occasion. Because of the limited time available to transform the worship environment, it is also suggested that decorations for Christmas reflect a spirit of “noble simplicity” emphasizing the primary Christian elements of the season.

The same suggestions are applicable for the following Sunday and Monday when the Church celebrates on Sunday, December 31, the Feast of the Holy Family and on Monday, January 1, the Solemnity of Mary, Mother of God.

NCCB Com. on the Liturgy, notice, *BCL Newsletter* 25 (October/November 1989): 41-42.

Particular Legislation: Holy Days of Obligation.

The Gambia, Liberia, and Sierra Leone:

The following are holy days of obligation to be celebrated on the days assigned to them: Christmas; Mary, Mother of God; Ascension; Assumption; and All Saints.

Subject to approval by the Holy See, the following are holy days of obligation but transferred to the following Sunday: Epiphany; Corpus Christi; and SS. Peter and Paul.

The following are to be celebrated as feasts of devotion, not of obligation: St. Joseph; and the Immaculate Conception.

The obligation of assisting at Mass is satisfied whenever Mass is celebrated on the holy day itself or the previous evening.

ITCABIC. 3 (1986). p. 7.

Nigeria:

In order to ensure greater participation in the celebrations, the National Episcopal Conference of Nigeria applied and obtained permission from the Apostolic See to transfer all these preceptive feasts, except Christmas, to the Sunday before or after the day when the feast actually falls, (cf. Prol. No. 4512/83, *Sacra Congregatio pro gentium evangelizatione seu Propaganda fide*, 22 August 1984). Later, however, on the receipt of a letter Prot. no. 1213/86 from the Congreg. for the Evangelization of Peoples, dated 30 April, 1986, the C.B.C.N. reviewed this position and made another provision as follows.

Holy days of obligation:

In accordance with the prescriptions of canon 1246, §2, the Catholic Bishops’ Conference of Nigeria hereby provides as follows subject to the approval of the Apostolic See:

1. The following celebrations are to be retained as holy days of obligation: the Nativity of Our Lord Jesus Christ, the Ascension of Our Lord Jesus Christ, the Assumption of Our Lady, and the feast of All Saints;
2. The following celebrations are transferred to a Sunday before or after the days on which they fall: the Epiphany, and the feast of the Body and Blood of Our Lord;
3. The following celebrations are suppressed as holy days of obligation and are to be celebrated as solemnities on the day in which they fall: the feast of Mary the Mother of God; the feast of St. Joseph; the feast of the Apostles Peter and Paul; and the feast of the Immaculate Conception.

cf. Ep. 40. ‘ ■■■ » 2”

Philippines:

1. With reference to canon 1246, §2, the following feasts are holy days of obligation in the Philippines:

- a) January 1 – Motherhood of Mary (New Year);
- b) December 8 – Immaculate Conception, patroness of the Philippines;
- c) December 25 – Nativity of the Lord (Christmas).

2. All other feasts mentioned in canon 1246, §1, are transferred to the nearest Sunday, preceding or following the feast.

3. The parish priest has the obligation to apply the *Missa pro populo* for his

parishioners on Sundays and holy days as stated above, in accord with canon 534, §2.

CBCP, p. 34.

Scotland:

I. The Bishops' Conference of Scotland decrees:

1. The following solemnities are to be observed in Scotland as days of obligation: Birth of Our Lord Jesus Christ (25 December); Ascension of the Lord; Saints Peter and Paul (29 June); Assumption of Our Lady (15 August); All Saints (1 November).

2. The following solemnities are transferred to the appropriate Sunday: Epiphany of the Lord; Body and Blood of Christ.

3. The following solemnities are no longer days of obligation: Immaculate Conception of Mary (8 December); Mary, Mother of God (1 January); St. Joseph, Husband of Mary (19 March);

CLSGBI Newsletter. 69 (March 1987): 30.

II. The Bishops' Conference of Scotland decrees when the solemnities of SS. Peter and Paul, the Assumption of Our Lady or All Saints occur on a Saturday or a Monday, the faithful in the dioceses of Scotland are dispensed from the obligation of assisting at Mass.

CLSGBI Newsletter. 69 (1986): 57-58.

United States of America:

In accord with canon 1246, the National Conference of Catholic Bishops decrees that the holy days of obligation to be observed in the United States are the solemnity of Mary, Mother of God; the solemnity of the Ascension; the solemnity of the Assumption; the solemnity of All Saints; the solemnity of the Immaculate Conception; the solemnity of Christmas. The solemnity of the Epiphany shall be transferred to the first Sunday following January 1; the solemnity of Corpus Christi shall be observed on the second Sunday following Pentecost. When the solemnities of Mary, Mother of God, the Assumption, and All Saints fall on a Saturday or a Monday, they will not be observed as holy days of obligation.

Approved General Meeting, November 1983 Reviewed: Holy Sec (Congregation for Clergy).

Letter from Apostolic Pro-Nuncio (Prol. No. 1091/84/8) February 13, 1984 Promulgated Minutes of November 1983 General meeting, March 1984.

CANON 1248

Anticipated Masses, August 1986. NCCB.

On November 2, 1986 All Souls Day occurs on a Sunday. Mass celebrated that day is taken from the section entitled “Masses for the Dead” in the Sacramentary. The Liturgy of the Hours is that of the Thirty-first Sunday in Ordinary Time. However, when Morning Prayer and Evening Prayer are celebrated with the people, these hours may be taken from the Office for the Dead.

The solemnity of All Saints begins with Evening Prayer I on Friday, October 31, and concludes with the celebration of Evening Prayer II of the solemnity on November 1st. (Evening Prayer II of the solemnity takes precedence over Evening Prayer I for the 31 Sunday in Ordinary Time.) If the Eucharist is celebrated on the evening of Friday, October 31st, the Mass is that of the solemnity of All Saints. If the Eucharist is celebrated on Saturday evening, November 1st, the Mass is that of All Souls’ Day and is taken from “Masses for the Dead” in the Sacramentary.

NCCB Com. on the Liturgy, notice. *BCL Newsletter* 22 (August 1986): 32.

Directory for Sunday Celebrations in the Absence of a Priest, 2 June 1988.

The Directory for Sunday Celebrations in the Absence of a Priest is a response to the convergence of several factors. The first of these is the fact that it is not everywhere and always possible to have a complete liturgical celebration of Sunday (No. 2). A second factor is the request over the past few years from several conferences of bishops that the Holy See issue guidelines for this de facto situation (No. 7). A third factor is a matter of experience: In the light of the actual situation and its circumstances, the Holy See and many bishops in their local churches have already turned their attention to Sunday celebrations in the absence of a priest. The directory has profited from such experience in regard to its assessment of the advantages and at the same time the possible limitations of the sort of celebration in question.

The fundamental point of the entire directory is to ensure in the best way possible and in every situation the Christian celebration of Sunday. This means remembering that the Mass remains the proper way of celebrating Sunday, but also means recognizing the presence of important elements even when Mass cannot be celebrated.

The intent of the present document is not to encourage, much less facilitate unnecessary or contrived Sunday assemblies without the celebration of the

Eucharist. The intent rather is simply to guide and to prescribe what should be done when real circumstances require the decision to have Sunday celebrations in the absence of a priest (Nos. 21-22).

The first part of the directory is completely devoted to a summary of the meaning of Sunday, and its point of departure (No. 8) is Article 106 of the constitution on the liturgy *Sacrosanctum Concilium*.

The second part prescribes the conditions necessary for the decision in a diocese to schedule as a regular occurrence Sunday assemblies in the absence of a priest. From a practical and directive point of view, this is the most important part of this document. The document envisions the collaboration of the laity in the cases in question; this is an example of responsibilities that parish priests (pastors) can entrust to lay members of their community.

The third part of the directory is a brief description of the rite for Sunday celebrations of the word along with distribution of communion.

As with similar documents, the application of this directory depends on all the bishops, each acting in accord with the situation of his church; in matters involving norms for an entire region, the application of the directory depends on the conference of bishops.

What matters above all is ensuring that communities involved in the situation in question have the opportunity, to gather together on Sunday and in a way that coincides with the celebration of the liturgical year (No. 36), and that unites such communities with a community that is celebrating the Eucharist with their own parish priest (pastor) (No. 42). **H**

As Pope Paul VI (No. 21) and Pope John Paul II (No. 50) have stated, the purpose of all pastoral endeavor concerned with Sunday is that it be celebrated and regarded in accord with Christian tradition.

Congregation for Divine Worship

Preface

1. From the day of Pentecost, after the coming of the Holy Spirit, the church of Christ has always faithfully come together to celebrate the paschal mystery on the day called “the Lord’s Day” in memory of the Lord’s resurrection. In the Sunday assembly the church reads in all the Scriptures those things that concern Christ and celebrates the Eucharist as the memorial of the death and resurrection of the Lord until he comes.

2. But a complete celebration of the Lord’s Day is not always possible. There have been and still are many of the faithful for whom “because of the lack of a priest or some other serious reason, participation in the Eucharistic celebration is

† See Lk 24:17.

not possible.”²

3. In some regions, after their first evangelization, the bishops have put catechists in charge of gathering the faithful together on Sunday and, in the form of a devotional exercise, of leading them in prayer. In such cases the number of Christians grew, and they were scattered in so many and such widely separated places that a priest could not reach them every Sunday.

4. In other places the faithful were completely blocked from gathering on Sunday, either because of the persecution of Christians or because of other severe restrictions of religious freedom. Like the Christians of old, who held fast to the Sunday assembly even in the face of martyrdom? the faithful today, even when deprived of the presence of an ordained minister, also strive to gather on Sunday for prayer either within a family or in small groups.

5. On other grounds today, namely the scarcity of priests, in many places not every parish can have its own Eucharistic celebration each Sunday. Further, for various social and economic reasons some parishes have many fewer members. As a consequence, many priests are assigned to celebrate Mass several times on Sunday in many widely scattered churches. But this practice is regarded as not always satisfactory either to the parishes lacking their own parish priest (pastor) or to the priests involved.

6. In some local churches, then, because of the conditions indicated, the bishops have judged it necessary to arrange for other Sunday celebrations in the absence of a priest so that in the best way possible the weekly gathering of the faithful can be continued and the Christian traditions regarding Sunday preserved.

It is by no means unusual, particularly in mission territories, for the faithful themselves, aware of the importance of the Lord's Day and with the help of catechists and religious, to gather to listen to the word of God, to pray and in some cases even to receive communion.

7. The Congregation for Divine Worship has considered these matters, reviewed the documents already published by the Holy See⁴ and acceded to the wishes of the conferences of bishops. Therefore the congregation regards it as opportune to recall elements of the teaching on the meaning of Sunday, to lay down the conditions for the lawfulness of such celebrations in dioceses and to provide guidelines for carrying out such celebrations correctly.

It will be the responsibility of the conferences of bishops, as circumstances suggest, to determine these norms in greater detail, to adapt them to the culture and

1983 *Code of Canon Law*, c. 1248, §2.

¹ See *Acta Martyrum Bytinae*, in D. Ruiz Bueno, *Aetas de los Martires* Biblioteca de Autores Cristianos 75 (Madrid 1951), 973. ■...».

⁴ See Congregation for Rites, instruction *Inter Oecumenici* (September 26, 1964), 37; *Acta Apostolicae Sedis* (hereafter, AAS) 56 (1964), 884-885; *Documents on the Liturgy, 1962-1979 Conciliar, Papal and Curial Texts* (hereafter, DOL) 23, No. 329, C. 1248, §2.

conditions of their people, and to report their decisions to the Apostolic See.

Chapter I: Sunday and Its Observance

8. “By a tradition handed down from the apostles and having its origin from the very day of Christ’s resurrection, the church celebrates the paschal mystery every eighth day, which with good reason bears the name of the Lord’s Day or Sunday.”⁵

9. Evidence of the gathering of the faithful on the day which the New Testament itself already designates as the Lord’s Day⁶ appears explicitly in documents of the first and second centuries.⁷ Outstanding among such evidence is the testimony of St. Justin: “On this day which is called Sunday, all who live in the cities or in the country gather together in one place.”⁸ But the day of gathering for Christians did not coincide with the day of rest in the Greek or Roman calendar, and therefore even the gathering on this day was a sign to fellow citizens of the Christians’ identity.

10. From the earliest centuries pastors had never failed to counsel their people on the need to gather together on Sunday. “Because you are Christ’s members, do not scatter from the church by not coming together.... Do not neglect your Savior or separate him from his members. Do not shatter or scatter the body of Christ.”⁹ Vatican Council II recalled this teaching in the following words: “On this day Christ’s faithful must gather together so that by hearing the word of God and taking part in the Eucharist, they may call to mind the passion, resurrection and glorification of the Lord Jesus and may thank God, who ‘has begotten them again unto a living hope through the resurrection of Jesus Christ from the dead’ (1 Pt 1:3).”¹⁰

11. St. Ignatius of Antioch pointed out the importance of the Sunday celebration for the life of the faithful: “Christians no longer observe the Sabbath Day, but live according to the Lord’s Day, on which our life was restored through Jesus Christ and his death.”¹¹ In their “sense of the faith” (*sensus fidelium*) the faithful, now as in the past, have held the Lord’s Day in such high regard that they have never willingly omitted its observance even in times of persecution or in the

⁵ Vatican Council II, constitution on the liturgy *Sacrosanctum Concilium* (hereafter, SC). 106. See also, *ibid.*, Appendix, “Declaration of the Second Vatican Council on Revision of the Calendar.”

⁶ See Rv 1: 10. See also Jn 20:19, 26; Acts 20:7-12; 1 Cor 16:2; Heb 10 24-25.

⁷ See *Didache* 14, T. F. X. Funk, ed., *Doctrina Duodecim Apostolorum* (1887), p. 42.

⁸ St. Justin, *Apologia* I. 67: *Patrologia Graeca* 6, 430.

⁹ *Didascalia Apostolorum* 2.59. 1-3; F. X. Funk, ed. *Didascalia et Constitutiones Apostolorum* (1905) I. 170.

¹⁰ SC. 106.

¹¹ St. Ignatius of Antioch, *Ad Magnesios* 9. 1: Funk, *Didascalia*. I, 199.

midst of cultures alien or hostile to the Christian faith.

12. The following are the principal requisites for the Sunday assembly of the faithful.

- a) The gathering of the faithful to manifest the church, not simply on their own initiative but as called together by God, that is, as the people of God in their organic structure, presided over by a priest, who acts in the person of Christ.
- b) Their instruction in the paschal mystery through the Scriptures that are proclaimed and that are explained by a priest or deacon.
- c) The celebration of the Eucharistic sacrifice, by which the paschal mystery is expressed and which is carried out by the priest in the person of Christ and offered in the name of the entire Christian people,

13. Pastoral efforts should have this aim above all that the sacrifice of the Mass on Sunday be regarded as the only true actualization of the Lord’s paschal mystery¹² and as the most complete manifestation of the church: “Hence the Lord’s Day is the first holy day of all and should be proposed to the devotion of the faithful and taught to them.... Other celebrations, unless they be truly of greatest importance, shall not have precedence over the Sunday, the foundation and core of the whole liturgical year.”¹³

14. Such principles should be set before the faithful and instilled in them right from the beginning of their Christian formation in order that they may willingly fulfill the precept to keep this day holy and may understand why they are brought together for the celebration of the Eucharist by the call of the church¹⁴ and not simply by their personal devotion. In this way the faithful will be led to experience the Lord’s Day as a sign of the divine transcendence over all human works and not as simply a day off from work; in virtue of the Sunday assembly, they will more deeply perceive themselves to be members of the church and will show this outwardly.

15. In the Sunday assembly, as also in the life of the Christian community, the faithful should find both active participation and a true spirit of community as well as the opportunity to be renewed spiritually under the guidance of the Holy Spirit. In this way too they will be protected against the attractions of sects that promise relief from the pain of loneliness and a more complete fulfillment of religious aspirations.

¹² See Paul VI, Address to the Bishops of Central France, March 26, 1977: AAS 69 (1977), 465. “The goal must always be the celebration of the sacrifice of the Mass, the only true actualization of the Lord’s paschal mystery.”

¹³ SC. 106.

¹⁴ See Congregation for Rites, instruction *Eucharisticum Mysterium*. (May 25, 1967). 25 AAS 59 (1967), 555 (DOI. 179, 25).

16. Finally, pastoral effort should concentrate on measures which have as their purpose “that the Lord’s Day becomes in fact a day of joy and of freedom from work.”¹⁵ In this way Sunday will stand out in today’s culture as a sign of freedom and consequently as a day established for the well-being of the human person, which clearly is a higher value than commerce or industrial production.¹⁶

17. The word of God, the Eucharist and the ministry of the priest are gifts that the Lord presents to the church, his bride, and they are to be received and to be prayed for as divine graces. The church, which possesses these gifts above all in the Sunday assembly, thanks God for them in that same assembly and awaits the joy of its complete rest in the day of the Lord “before the throne of God and before the Lamb.”^{17*}

Chapter 2: Conditions for Holding Sunday Celebrations in the Absence of a Priest

18. Whenever and wherever Mass cannot be celebrated on Sunday, the first thing to be ascertained is whether the faithful can go to a church in a place nearby to participate there in the Eucharistic mystery. At the present time this solution is to be recommended and to be retained where it is in effect; but it demands that the faithful, rightly imbued with a fuller understanding of the Sunday assembly, respond with good will to a new situation.

19. The aim is that the riches of Sacred Scripture and of the church’s prayer be amply provided to the faithful gathered on Sundays in various ways even apart from Mass. For the faithful should not be deprived of the readings that are read at Mass in the course of a year nor of the prayers of the liturgical seasons.

20. Among the forms of celebration found in liturgical tradition when Mass is not possible, a celebration of the word of God is particularly recommended¹⁸ and also its completion, when possible, by Eucharistic communion. In this way the faithful can be nourished by both the word of God and the body of Christ. “By hearing the word of God the faithful learn that the marvels it proclaims reach their climax in the paschal mystery, of which the Mass is a sacramental memorial and in which they share by communion.”¹⁹ Further, in certain circumstances the Sunday celebration can be combined with the celebration of one or more of the sacraments and especially of the sacramentals and in ways that are suited to the needs of each community.

¹⁵ SC, 106.

¹⁶ See “*Le sens du dimanche dans une société pluraliste. Reflexions pastorales de la Conférence des évêques du Canada.*” La Documentation Catholique. No. 1935 (1987), 273-276.

¹⁷ Rv 7:9.

^{**} See SC. 35.4.

¹⁹ The Roman Ritual, “Holy Communion and Worship of the Eucharist Outside Mass.” 26.

21. It is imperative that the faithful be taught to see the substitutional character of these celebrations, which should not be regarded as the optimal solution to new difficulties nor as a surrender to mere convenience. Therefore a gathering or assembly of this kind can never be held on a Sunday in places where Mass has already been celebrated or is to be celebrated or was celebrated on the preceding Saturday evening, even if the Mass is celebrated in a different language. Nor is it right to have more than one assembly of this kind on any given Sunday.

22. Any confusion between this kind of assembly and an Eucharistic celebration must be carefully avoided. Assemblies of this kind should not take away, but rather increase the desire of the faithful to take part in the celebration of the Eucharist and should make them more eager to be present at the celebration of the Eucharist.

23. The faithful are to understand that the Eucharistic sacrifice cannot take place without a priest and that the Eucharistic communion which they may receive in this kind of assembly is closely connected with the sacrifice of the Mass. On that basis the faithful can be shown how necessary it is to pray that God will “give the church more priests and keep them faithful in their love and service.”²¹

24. It belongs to the diocesan bishop, after hearing the council of presbyters, to decide whether Sunday assemblies without the celebration of the Eucharist should be held on a regular basis in his diocese. It belongs also to the bishop, after considering the place and persons involved, to set out both general and particular norms for such celebrations. These assemblies are therefore to be conducted only in virtue of their convocation by the bishop and only under the pastoral ministry of the parish priest (pastor).

25. “No Christian community is ever built up unless it has its roots and center in the Eucharistic liturgy.”²² Therefore, before the bishop decides on having Sunday assemblies without celebration of the Eucharist the following, in addition to the status of parishes (see No. 5), should be considered: the possibility of recourse to priests, even religious priests, who are not directly assigned to the care of souls and the frequency of Masses in the various parishes and churches.²³ the pre-eminence of the celebration of the Eucharist, particularly on Sunday, over other pastoral activities is to be respected.

26. Either personally or through his representatives the bishop will, by an appropriate catechesis, instruct the diocesan community on the causes requiring

²⁰ Sec Paul VI. Address to Bishops of Central France: March 26, 1977 A.4S 69 (1977) “Proceed judiciously, but without multiplying this type of Sunday assembly as though it were the ideal solution and the last chance.”

²¹ The Roman Missal (Sacramentary). Masses and Prayers for Various Needs and Occasions. I for the Church. 9. For Priestly Vocations, prayer over the gifts.

²² Vatican Council II, decree on the ministry and life of priests *Presbyterorum Ordinis*. 6.

²³ See Congregation for Rites, *Eucharisticum Mysterium*. 26.

provision of these celebrations, pointing out the seriousness of the issue and urging the community's support and cooperation. The bishop is to appoint a delegate or a special committee to see to it that these celebrations are carried out correctly; he is also to choose those who are to promote these celebrations and to see to it that these people receive the necessary instruction. But the bishop's concern is always to be that several times a year the faithful involved have the opportunity to participate in the celebration of the Eucharist.

27. It is the duty of the parish priest (pastor) to inform the bishop about the opportuneness of such celebrations in his territory, to prepare the faithful for them, to visit them during the week and at a convenient time to celebrate the sacraments for them, particularly the sacrament of penance. In this way the communities involved will come to realize that their assembly on Sunday is not an assembly "without a priest," but an assembly "in the absence of a priest" or, better still, an assembly "in expectation of a priest."

28. When Mass cannot be celebrated the parish priest (pastor) is to ensure that Holy Communion be given. He is also to see to it that there is a celebration of the Eucharist in due time in each community. The consecrated hosts are to be renewed often and kept in a safe place.

29. As the primary assistants of priests, deacons are called in a special way to lead these Sunday assemblies. Since the deacon has been ordained for the nurture and increase of the people of God, it belongs to him to lead the prayers, to proclaim the Gospel, to preach the homily and to give communion.²⁴

30. In the absence of both a priest and a deacon, the parish priest (pastor) is to appoint lay persons, who are to be entrusted with the care of these celebrations, namely, with leading the prayers, with the ministry of the word and with giving holy communion.

Those to be chosen first by the parish priest (pastor) are readers and acolytes who have been duly instituted for the service of the altar and of the word of God. If there are no such instituted ministers available, other lay persons, both men and women, may be appointed; they can carry out this responsibility in virtue of their baptism and confirmation.²⁵ Such persons are to be chosen in view of the consistency of their way of life with the Gospel and in the expectation of their being acceptable to the community of the faithful. Appointment is usually to be for a definite time and is to be made known publicly to the community. It is fitting that there be a celebration in which prayers are offered to God on behalf of those appointed.²⁶

The parish priest (pastor) is to see to the suitable and continuous instruction of

²⁴ See Paul VI. *motu proprio Ad Pascendum* (August 15, 1972), 1: AAS 64 (1972), 534.

* C. 230. §3.

²⁶ See the Roman Ritual, *Book of Blessings*, Ch. 4, 1, B.

these lay persons and to prepare with them worthy celebrations (see Chapter 3).

31. The lay persons appointed should regard the office entrusted to them not so much as an honor, but as a responsibility and above all as a service to their brothers and sisters under the authority of the parish priest (pastor). For theirs is not a proper office, but a suppletory office, since they exercise it "where the need of the church suggests in the absence of ministers."²⁷

Those who are appointed to such an office "should do all of, but only, those parts which pertain to that office."²⁸ They should carry out their office with sincere devotion and the decorum demanded by such a responsibility and rightly expected of them by God's people.²⁹

32. When on a Sunday a celebration of the word of God along with the giving of holy communion is not possible, the faithful are strongly urged to devote themselves to prayer "for a suitable time either individually or with the family or, if possible, with a group of families."³⁰ In these circumstances the telecast of liturgical services can provide useful assistance.

33. Particularly to be kept in mind is the possibility of celebrating some part of the Liturgy of the Hours, for example, morning prayer or evening prayer, during which the Sunday readings of the current year can be inserted. For "when the people are invited to the Liturgy of the Hours and come together in unity of heart and voice, they show forth the church in its celebration of the mystery of Christ."³¹ At the end of such a celebration, communion may be given (see No. 46).

34. "The grace of the Redeemer is not lacking for individual members of the faithful or entire communities that, because of persecution or a lack of priests, are deprived of celebration of the Eucharist for a short time or even for a long period. They can be moved by a deep desire for the sacrament and be united in prayer with the whole church. Then when they call upon the Lord and raise their minds and hearts to him, through the power of the Holy Spirit they enter into communion with Christ and with the church, his living body ... and therefore they receive the fruits of the Eucharist."³²

Chapter 3: Order of Celebration

35. The order to be followed in a Sunday celebration that does not include Mass consists of two parts, the celebration of the word of God and the giving of

²⁷ C. 230, §3.

²⁸ SC. 28.

» See SC, 29.

«C. 1248. §2.

«General Instruction on the Liturgy of the Hours (hereafter, GILH). 22' DOL 426, 3452

Congregation for the Doctrine of the Faith. "Letter on Certain Questions Regarding the Minister of the Eucharist." August 6. 1983: AAS 75 (1983). 1007.

Holy Communion. Nothing that is proper to Mass, and particularly the presentation of the gifts and the Eucharistic prayer, is to be inserted into the celebration. The order of celebration is to be arranged in such a way that it is truly conducive to prayer and conveys the image not of a simple meeting, but of a genuine liturgical assembly.

36. As a rule the texts for the prayers and readings for each Sunday or solemnity are to be taken from the Roman Missal (Sacramentary) and the Lectionary for Mass. In this way the faithful will follow the cycle of the liturgical year and will pray and listen to the word of God in communion with the other communities of the church.

37. In preparing the celebration the parish priest (pastor), together with the appointed lay persons, may make adaptations suited to the number of those who will take part in the celebration, the ability of the leaders (animators) and the kind of instruments available for the music and the singing.

38. When a deacon presides at the celebration, he acts in accord with his ministry in regard to the greetings, the prayers, the Gospel reading and homily, the giving of communion, and the dismissal and blessing. He wears the vestments proper to his ministry, that is, the alb with stole and, as circumstances suggest, the dalmatic. He uses the presidential chair.

39. A lay person who leads the assembly acts as one among equals, in the way followed in the Liturgy of the Hours when not presided over by an ordained minister and in the case of blessings when the minister is a layperson ("May the Lord bless us..."; "Let us praise the Lord..."). The lay person is not to use words that are proper to a priest or deacon and is to omit rites that are too readily associated with the Mass, for example, greetings – especially "The Lord be with you" – and dismissals, since these might give the impression that the lay person is a sacred minister."

40. The lay leader wears vesture that is suitable for his or her function or the vesture prescribed by the bishop." He or she does not use the presidential chair, but another chair prepared outside the sanctuary." Since the altar is the table of sacrifice and of the paschal banquet, its only use in this celebration is for the rite of communion, when the consecrated bread is placed on it before communion is given.

Preparation of the celebration should include careful attention to a suitable distribution of offices, for example, for the readings, the singing, etc., and also to the arrangement and decoration of the place of celebration.

4L The following is an outline of the elements of the celebration.

" See GILH. 258. see also the Roman Ritual. *Book of Blessings*. 48, 119, 130, 181.

u See "Holy Communion and Worship of the Eucharist Outside Mass." 20

" See GILH. 258.

- a) Introductory Rites: The purpose of these is to form the gathered faithful into a community and for them to dispose themselves for the celebration.
- b) Liturgy of the Word: Here God speaks to his people, to disclose to them the mystery of redemption and salvation; the people respond through the profession of faith and the general intercessions.
- c) Thanksgiving: Here God is blessed for his great glory (see No. 45).
- d) Communion Rites: These are an expression and accomplishment of communion with Christ and with his members, especially with those who on this same day take part in the Eucharistic sacrifice.
- c) Concluding Rites: These point to the connection existing between the liturgy and the Christian life.

The conference of bishops or the individual bishop himself may, in view of the conditions of the place and the people involved, determine more precisely the details of the celebration using resources prepared by the national or diocesan liturgical committee, but the general structure of the celebration should not be changed unnecessarily.

42. In the introduction at the beginning of the celebration or at some other point, the leader should make mention of the community of the faithful with whom the parish priest (pastor) is celebrating the Eucharist on that Sunday and urge the assembly to unite itself in spirit with that community.

43. In order that the participants may retain the word of God, there should be an explanation of the readings or a period of silence for reflection on what has been heard. Since only a priest or a deacon may give a homily," it is desirable that the parish priest (pastor) prepare a homily and give it to the leader of the assembly to be read. But in this matter the decisions of the conference of bishops are to be followed.

44. The general intercessions are to follow an established series of intentions. ' Intentions for the whole diocese that the bishop may have proposed are not to be omitted. There should also often be intentions for vocations to sacred orders, for the bishop and for the parish priest (pastor).

45. The thanksgiving may follow either one of the ways described here.

1) After the general intercessions or after Holy Communion, the leader invites all to an act of thanksgiving in which the faithful praise the glory and mercy of God. This can be done by use of a psalm (for example, Psalms 100, 113, 118, 136, 147, 150), a hymn (for example, the Gloria), a canticle (for example, the Cantic of Mary), or a litanie prayer. The leader and the faithful stand, and facing the altar, together recite the thanksgiving.

* Sec cc. 766-767.

w Sec General Instruction on the Roman Missal, 45-47 DOL 208. 1435-1437.

2) Before the Lord's Prayer, the leader of the assembly goes to the tabernacle or other place where the Eucharist is reserved and, after making a reverence, places the ciborium with the holy Eucharist on the altar. Then while kneeling before the altar he or she together with all the faithful sing or recite a hymn, psalm or litany, which in this case is directed to Christ in the Eucharist.

But this thanksgiving is not in any way to take the form of the Eucharistic prayer, the texts of prefaces or Eucharistic prayers from the Roman Missal (Sacramentary) are not to be used and all danger of confusion is to be removed.

46. For the communion rite the provisions given in the Roman Ritual for communion outside Mass are to be observed.³⁸ The faithful are to be frequently reminded that even when they receive communion outside Mass they are united to the Eucharistic sacrifice.

47. For communion, if at all possible bread consecrated that same Sunday in a Mass celebrated elsewhere is used; a deacon or layperson brings it in a ciborium or pyx and places it in the tabernacle before the celebration. Bread consecrated at the last Mass celebrated in the place of assembly may also be used. Before the Lord's Prayer the leader goes to the tabernacle or place where the Eucharist is reserved, takes the vessel with the body of the Lord and places it upon the table of the altar, then introduces the Lord's Prayer – unless the act of thanksgiving mentioned in No. 45.2 is to take place at this point.

48. The Lord's Prayer is always recited or sung by all, even if there is to be no communion. The sign of peace may be exchanged. After communion, "a period of silence may be observed or a psalm or song of praise may be sung."⁹ A thanksgiving as described in No. 45.1 may also take place here.

49. Before the conclusion of the assembly, announcements or notices related to the life of the parish or the diocese are read.

50. "Too much importance can never be attached to the Sunday assembly, whether as the source of the Christian life of the individual and of the community, or as a sign of God's intent to gather the whole human race together in Christ.

"All Christians must share the conviction that they cannot live their faith or participate – in the manner proper to them – in the universal mission of the church unless they are nourished by the Eucharistic bread. They should be equally convinced that the Sunday assembly is a sign to the world of the mystery of communion, which is the Eucharist."⁴⁰

On May 21, 1988, this directory, prepared by the Congregation for Divine Worship, was approved and confirmed by Pope John Paul II who also ordered its

See *The Roman Ritual, Holy communion and Worship of the Eucharist Outside Mass*, ch 1: DOL 266. nos 2092-2103. M

w Ibid., no. 37.

¹⁰ John Paul II. Address to the bishops of France on the occasion of their *ad limina* visit. 27 March 1987.

publication.

From the office of the Congregation for Divine Worship, on the solemnity of the Body and Blood of Christ, June 2, 1988.

Congregation for Divine Worship. 2 June 1988, directory. *Origins* 18 (1988) 301. 303-307
English translation by the International Committee on English in the Liturgy (ICEL).

CANON 1251

Particular Legislation: Days of Penance.

The Gambia, Liberia, and Sierra Leone:

The Conference prescribes abstinence from meat on all Fridays unless they coincide with a day of solemnity.

FTCABIC, 3(1986), p. 7.

Nigeria:

1. All Christ’s faithful are obliged by divine law, each in his or her own way, to do penance. However, so that all may be joined together in a certain common practice of penance, days of penance are prescribed. The days and times of penance for the universal Church are each Friday of the whole year and the season of Lent.
2. In Nigeria the Catholic Bishops’ Conference lays down that abstinence from meal or favorite dish or drink or smoking is to be observed on all Fridays, except when a solemnity should fall on a Friday. Abstinence and fasting are to be observed on Ash Wednesday and Good Friday.
3. In addition the Catholic bishops of Nigeria recommend other forms of penance, such as regular attendance at morning Mass, stations of the cross, an hour of adoration, help to the poor, visits to the sick and prisons, or free service to the needy.
4. Pastors and confessors should give adequate instructions to Christ’s faithful entrusted to their care to communicate to them the genuine concept of penance.

PCN. p. 41.

CANON 1253

Particular Legislation: Observance of Fast and Abstinence.

The Gambia, Liberia, and Sierra Leone:

The Conference leaves it to the diocesan bishops to determine at the national level more precisely the observance of fast and abstinence and its possible substitution in whole or in part by other forms of penance.

FTCABIC. 3(1986), p. 7.

South Africa:

In accordance with the prescriptions of canon 1253, the Southern African Catholic Bishops' Conference hereby decrees that the days of fast and abstinence within its territory are Ash Wednesday and Good Friday.

Fridays are days of abstinence from meat, but the faithful may substitute abstinence from alcohol, tobacco or luxury foods or other forms of penance, especially acts of charity or exercises of piety.

SACBC

United States of America:

Norms II and IV *of Paenitemini* (February 17, 1966) are almost identical to the canons cited. The November 18, 1966 norms *of* the National Conference of Catholic Bishops on penitential observance for the Liturgical Year continue in force since they are law and are not contrary to the code (canon 6).

Approved; Administrative Committee, September 1983. Promulgated: Memorandum to All Bishops, October 21, 1983. www.nccbuscc.org/norms.

BOOK V

**THE TEMPORAL GOODS OF
THE CHURCH**

C a n o n s 1254-1310

CANON 1262**Particular Legislation: Support of Church by Fund-Raising.**

Canada:

In accordance with the prescriptions of canon 1262 regarding collections and financial contributions, the Canadian Conference of Catholic Bishops hereby decrees that:

- 1) norms shall be determined in each diocese by the diocesan bishop;
- 2) in each parish, the faithful shall be informed about the purpose of each special collection and, in due time, given an account of the results, in accordance with the prescriptions of canon 1287, §2;
- 3) collections for cultural or philanthropic purposes shall not be taken up on the occasion of a liturgical service in churches or oratories without the prior authorization of the local ordinary.

OD no. 611.28 June 1989; *SC* (1990), p. 472.

The Gambia, Liberia, and Sierra Leone:

The faithful must contribute to the support of the Church.

Recognized means of support within the Conference are monthly dues, Sunday collections, stole fees prescribed by the local bishop, special collections mandated by the local bishop, and mission harvest festivals.

ITCABIC, 3 (1986), p. 4.

Nigeria:

The Catholic Bishops' Conference of Nigeria from the wide investigations conducted into the matter is satisfied and gives approval to the various methods adopted in the country as of now.

PCN, p. 42.

South Africa:

In accordance with the prescriptions of canon 1262 regarding collections and financial contributions, the Southern African Catholic Bishops' Conference hereby decrees that:

- 1) norms shall be determined by each province by the diocesan Bishops of that province in accordance with the provisions of the canon 434:
- 2) each parish priest shall inform the faithful about the purpose of each special collection and, in due time, shall inform them of the amount collected, in accordance with the prescriptions of canon 1287,§2;
- 3) collections for cultural or philanthropic purposes shall not be taken up during a liturgical service in parishes or oratories without the prior authorization of the local Ordinary.

SACBC

United States of America:

The National Conference of Catholic Bishops authorizes diocesan bishops to establish norms for Church support by the faithful for their own dioceses.

Approved: General Meeting, November 1984. Promulgated: Minutes of November 1984 General Meeting, March 1985.

CANON 1263

Authentic Interpretation: Juridic Personality of Schools of Religious Institutes, 20 May 1989. AAS 81 (1989): 91.

. **D.** Whether external schools of religious institutes of pontifical right are included under the words of canon 1263, “public juridical persons subject to his authority”?

R. Negative.

Pont. Comm, for the Auth Interp. AAS81 (1989): 991 ; *RRAO* (1990): 115. *Periodica* 80(1991): 108-127

CANON 1265

Particular Legislation: Collections for Ecclesiastical Institutions or Pious Causes.

The Gambia, Liberia, and Sierra Leone:

No collection in favor of a parish or a parish organization may take place without the written approval of the parish priest.

No collection in favor of the diocese or a diocesan organization or in favor of a cause put forward by a diocesan organization may take place without the express written approval of the local bishop. A copy of such approval is to be kept in the diocesan archives.

ITCABIC. 3(1986). p. 7.

Ireland:

In accordance with the prescription of canon 1265, §2, the Irish Episcopal Conference hereby decrees that, pending their more detailed review at a future plenary council (cf. c. 439, §1), nos. 307-314 of the Plenary Council of Maynooth 1956 be observed integrally in their spirit and, in so far as they are not incompatible with the *Code of Canon Law*, in their letter.

IEC. 18(1987-1988). p. 12.

Nigeria:

The scope of these norms is to draw up rules regarding collections. It is expected that the question of the protected amount, percentage expected to be remitted to the destined office, reporting back to the body from which such collections are made, all these would be looked into through other administrative acts and body.

The Catholic Bishops' Conference of Nigeria hereby legislates as follows:

1. There shall be no unauthorized collection in the name of or on behalf of the Church.
2. As much as possible schedules and times for collections shall be carefully prepared (on a national, regional, diocesan, and parochial basis) and copies of the same made available for the local Ordinaries, parish priests or mission superiors, chaplains, and the finance committee of the Church bodies concerned.
3. All collections shall be made after a prior information or notice of at least two Sundays before the actual collection day. Such information or notice shall include the auspices under which such a collection is to be made, and the purpose for the same.
4. The finance committee, or the parish priest with at least two members of the Church, shall supervise and handle such collections.
5. The proceeds from such collections shall be duly receipted by the treasurer and the financial secretary of the body, or the parish priest or mission superior or chaplain, and two other members.
6. The sum realized shall be dispatched by the treasurer or the parish priest or

mission superiors or chaplain, within seven days.

PCN pp. 42-43.

CANON 1272

Particular Legislation: Benefices.

The Gambia, Liberia, and Sierra Leone:

Benefices properly so called do not exist in the Inter-territorial Conference.

ITCABIC. 3(1986), p. 4.

Nigeria:

The Conference notes that benefices properly so called do not exist in Nigeria.

PCN. p. 43.

CANON 1274

Particular Legislation: Clergy Sustenance.

The Gambia, Liberia, and Sierra Leone:

The Conference enrolls every indigenous priest in *Opus securitatis* on a diocesan basis. Clergy not covered in the above are to be provided for on the same basis as *Opus securitatis* by investment in a social security fund established for that purpose and administered by the Finance Committee of the diocese.

rrCABIC. 3(1986). p. 8.

CANON 1277

Particular Legislation: Definition of Acts of Extraordinary Administration.

The Gambia, Liberia, and Sierra Leone:

The Conference looks upon any act of administration dealing with money or goods above the value of US \$200,000 as an act of extraordinary administration.

ITCABIC. 3 (1986). p. 4

Nigeria:

The Catholic Bishops' Conference of Nigeria determines acts of extraordinary administration in canon 1277 as follows:

- a) transactions involving 10% of the annual revenue of diocese or juridical body;
- b) any transactions not in the approved annual budget.

PCN. pp. 44-45.

South Africa:

In accordance with the prescriptions of canon 1277, the Southern African Catholic Bishops' Conference hereby decrees that the following acts of administration will be considered as acts of extraordinary administration, and will therefore be subject to the prescriptions of the relevant canons:

- 1) the purchase of immovable property;
- 2) the sale, exchange, mortgage or pawning of immovable Church property or the subjection of it to any other servitude or burden;
- 3) the building, demolition or rebuilding in a new form of a building belonging to the Church, or effecting extraordinary repairs upon such a building;
- 4) the sale, exchange, mortgage or diversion in any other way from the place for which they were destined of objects of art, historical documents or other movable property of great importance;
- 5) the erection of a cemetery;
- 6) acts involving civil litigation.

SACBC

United States of America:

In accord with the norms of canon 1277, the National Conference of Catholic Bishops determines that the following are to be considered acts of extraordinary administration and therefore subject to the limits of canons that regulate such acts.

- 1. To alienate (in the strict sense, convey or transfer ownership) goods of the stable patrimony when the value exceeds the minimum limit (c. 1299, §1).
- 2. To alienate goods donated to the Church through a vow, or to alienate goods that are especially valuable due to their artistic or historical value regardless of the appraised value (c. 1292, §2).
- 3. To incur indebtedness (without corresponding increase in the assets of the

diocese) that exceeds the minimum limit (c. 1295).

4. To encumber stable patrimony the value of which exceeds the minimum limit (c. 1295).
5. To lease Church property when the annual lease income exceeds the minimum limit (c. 1297).
6. To lease Church property when the value of the leased property exceeds the minimum and the lease is for more than nine (9) years (c. 1297).

Approved: General Meeting. November 1985. Promulgated: Memorandum to All Bishops. June 27. 1986.

CANON 1292

Maximum Amount for Alienation of Church Property in the U.S.A., 19 April 1986. Private.

The Congregation for Bishops following consultation with the Congregation for Clergy has responded (April 8, 1986; Prol. No. 296/84) to your letter of December?, 1985 requesting the *recognitio of the* Holy See for the complementary norms of Canon Law approved during the last General Assembly of the NCCB.

The maximum limit for the alienation of Church property shall be One Million dollars. Both the ceiling amount of Five Million dollars and the alternate proposal of \$5.00 per capita of the Catholic population have been determined to be inappropriate.

Also, the following proposal was not approved: “when recourse is difficult an induit be sought from the Holy See empowering the Apostolic Pro-Nuncio to allow expenditures beyond the maximum limit for a diocese.”

The minimum limit may be established according to canon 1292, §1.

Apostolic Pro-Nuncio, 19 April 1986, letter to President of NCCB (Prot. No. 1782/86/8). reporting response from Congregation for Bishops. *RRAO* (1986): 41-42.

Alienation of property, 25 January 1988. Private.

Under date of January 13, 1988, the Cardinal Prefect of the Congregation for Clergy has asked me to bring the following matter to your attention. It has recently been noted that some dioceses in the United States have not been requesting the necessary authorization from the Holy See in order to alienate ecclesiastical goods whose value exceeds the approved maximum amount of one million dollars.

Cardinal Innocenti requests that you kindly advise all the Bishops in this regard,

keeping in mind that the stipulation of canon 1292, §2 clearly indicates that such permission is required for validity.

Apostolic Pro-Nuncio, letter to President of the NCCB. 25 January 1988 *RRAO* (1988) 12.

Particular Legislation: Minimum and Maximum Amounts for Alienation.

The Gambia, Liberia, and Sierra Leone:

The Conference sets US \$500 as the minimum sum and US \$250,000 as the maximum amount for the value of goods whose alienation is proposed.

rrCABIC, 3 (1986), p. 4.

Nigeria:

The Catholic Bishops' Conference of Nigeria establishes the minimum and maximum sums for alienation in the light of canon 1292, §1 thus: The minimum sum is N 50,000 and the maximum is N 1,750,000.

PCN, pp. 44-45.

South Africa:

In accordance with the prescriptions of canon 1292, §1, the Southern African Catholic Bishops' Conference hereby decrees that the approved minimum sum be R 100,000 (one hundred thousand rands) and the maximum sum be R 1,000,000 (one million rands).

The Conference further decrees that in order to make provision for variations in monetary values, each of these sums be understood to be linked to the percentage increase (or decrease) in the cost of living indices of the territories within the Conference, to be interpreted and determined each year by the Episcopal Conference from the date of this Decree.

SACBC

CANON 1297

Particular Legislation: Norms for Leasing Church Property.

Canada:

In accordance with the prescriptions of canon 1297, the Canadian Conference

°f Catholic Bishops hereby decrees that the following norms shall be observed
 ""hen it is question of leasing or renting ecclesiastical goods:

1. Lands and building for which no immediate or long-term use for Church purposes is foreseen should not be retained indefinitely.
2. The leasing of ecclesiastical property, when the lease extends over a period of two years, constitutes an act of extraordinary administration, and is subject to the prescriptions of canon 1277, or, in the case of institutes of consecrated life, of canon 638, § 1.
3. Any leasing or renting of ecclesiastical property for a period extending beyond thirty continuous days shall be done in writing, observing all applicable civil and particular laws.
4. Normally, the Church property shall not be leased for less than the current comparable rates. If, however, in particular circumstances, the property is to be leased for less than these rates, the written permission of the Ordinary is to be obtained beforehand except in the case of institutes of consecrated life of pontifical right where permission of the major superior shall be obtained.
5. Any leasing of ecclesiastical property without charge to charitable or other organizations, if the duration of the lease extends beyond three months, requires the written consent of the Ordinary, or, in the case of institutes of consecrated life of pontifical right, of the major superior.
6. If the total amount of rent to be paid exceeds the maximum amount determined for the region for acts of alienation of ecclesiastical goods, and if the lease has a duration of more than nine years, the permission of the Holy See is also to be obtained beforehand.

This decree is effective one month after the date of promulgation.

OD no. 575, 1 December. 1987; *SC* 22 (1988), pp. 201 and 203.

The Gambia, Liberia, and Sierra Leone:

The permission of the local diocesan bishop is required to lease ecclesiastical goods. The lease must be valid in civil law and may not exceed a period of ten years.

ITCABIC. 3 (1986), p. 4.

Nigeria:

In accordance with canon 1297 the Catholic Bishops' Conference of Nigeria determines as follows:

1. Leasing of ecclesiastical goods which diminishes or worsens the economic situation of the Church cannot be validly done without a grave reason and the written consent of the competent superior;
2. Leasing of ecclesiastical goods whose value is more than 25% of the fixed assets of the diocese cannot be validly done unless with the consent of the Apostolic See. In the case of other juridical bodies subject to the bishop the written consent of the diocesan bishop is required;
3. Ecclesiastical goods cannot be validly leased for more than 10 years without the written consent of the competent superior. In case of the diocese, the diocesan bishop needs the consent of both the finance committee and the college of consultors;
4. Ecclesiastical goods valued at less than 25% of the fixed assets of the juridical body and whose lease is not for over 10 years may be leased with the written consent of the competent Superior which is given after consultation with the Body's finance council;
5. Leasing of ecclesiastical goods must be by contract according to the provisions of Nigerian civil law.

PCN. pp. 44-45.

South Africa:

In accordance with the prescriptions of canon 1297, the Southern African Catholic Bishops' Conference hereby decrees that the following norms shall be observed when leasing or renting ecclesiastical goods:

- 1) lands and buildings for which no immediate or long-term use for Church purposes is foreseen should not be retained indefinitely;
- 2) the leasing of ecclesiastical property, when the lease extends over a period of two years, constitutes an act of extraordinary administration, and is subject to the prescriptions of canon 1277 or, in the case of institutes of consecrated life, of canon 638,§1;
- 3) any leasing or renting of ecclesiastical property for a period extending beyond thirty continuous days shall be recorded in writing, observing all applicable civil and particular laws;
- 4) normally, Church property shall not be leased at less than the current comparable rates. If, however, in particular circumstances, the property is to be leased for less than these rates, the written permission of the Ordinary is to be obtained beforehand. In the case of institutes of consecrated life of pontifical right, the permission of the major superior shall be obtained.
- 5) any leasing of ecclesiastical property without charge to charitable or other organizations, if the duration of the lease extends beyond three months, requires the written consent of the Ordinary or, in the case of institutes of

consecrated land of pontifical right, the written consent of the major superior;

- 6) if the total amount of rent to be paid exceeds the maximum amount determined for the region for acts of alienation of ecclesiastical goods, and if the lease has a duration of more than nine years, the permission of the Apostolic See is also to be obtained beforehand.

SACBC

United States of America

See canon 1277: Acts of Extraordinary Administration for reference of leasing of church property by the diocesan bishop.

www.nccbuscc.org/nomis.

SANCTIONS IN THE CHURCH

Canons 1311-1399

CANON 1364

**Excommunication of Father George Stallings, June 1989 to February 1990.
Private.**

Statement of Father George Stallings, June 21, 1989:

In the immortal words of the late Dr. Martin Luther King Jr., “The ultimate measure of a man is not where he stands in moments of comfort and convenience, hut where he stands at times of challenge and controversy.”

Today the whole nation is watching to see how the Roman Catholic Church will deal with challenge and controversy. If she is self-effacing, the church will see this crisis as a grace-filled moment, realizing that at the heart of every crisis there is a golden opportunity to see reality as it is and set in place the necessary changes to make a difference. If she still persists in her imperialistic attitude and approach, the church will see this crisis as a need to further increase her dominance and control over anyone and everyone who constructively and intellectually disagrees with her. She will lake steps to place obstacles in the path of every attempt to expose her racism, which she knows full well exists, but refuses to efficaciously deal with the seriousness of its effects.

The reality is that a split exists in the American church just as it exists in American society, and its cause is racism. We did not create this pathology, but every day of our African-American lives we are forced to deal with it.

Such an environment has led me and several hundred other African-American Catholics to establish a non-territorial faith community in our nation's capital to be known as the *Imani* (Swahili for *faith*) Temple African-American Catholic Congregation. Our ministry will address the spiritual and cultural needs and aspirations of African-American people and anyone else who will seek to join themselves to our community. We do not see this historic move as a split in doctrine or faith with the Catholic Church or an act of defiance, disobedience or defection. While the establishment of this congregation does not enjoy the endorsement or authorization of His Eminence Cardinal James Hickey, we see ourselves as being obedient to the law of God and following the dictates of our consciences.

The Catholic Church as a whole has not succeeded in meeting the profound spiritual and cultural demand of African Americans. Therefore, it is critical that African Americans who love their Africanity and their Catholicism bring both together in the way the Spirit leads. A people who does not direct its destiny moved by the genius of its culture never achieves full spiritual maturity. In taking this unprecedented step, we are doing what the Roman Catholic Church has waited too long to do in reaching out to welcome, embrace and institutionalize in her structure that which is ethnically/culturally endemic to the spiritual and moral well-being of African-American people.

In the words of the noted black liberation theologian James H. Cone:

“Black Catholics, whose identity is strongly influenced by their own history and culture, know existentially the contradiction of being both black and Catholic. These two realities are not easily held together in one person, because the Catholic side is very inflexible and thus refuses to be significantly informed by the black experience. Many blacks cannot reconcile both realities and opt for only one of them. Some choose blackness and leave the Catholic Church. Others choose the Catholic side and sever their relationship with the black community. It is difficult to distinguish the values and behavior of such persons from their white counterparts. As C. Eric Lincoln put it: ‘Blacks who found care in the white man’s church or who accepted spiritual care and oversight under the aegis of the white man’s religion soon found themselves inevitably more sympathetic to the white man’s plans for non-whites’.”

“However, it is important to point out that there are some black Catholics who refuse to deny their blackness; they refuse to accept European values as the exclusive definition of the Catholic Church. Like many blacks in white Protestant churches, these black Catholics openly acknowledge the pervasive presence of racism in the church. But they are determined to extend the definition of ‘catholic’ to its true meaning – an universality defined by the theological reflections and cultures of all people. They appreciate the Catholic Church’s public declarations against racism as found in its ‘Discrimination and Christian Conscience’ (1958), ‘National Race Crisis’ (1968), and ‘Brothers and Sisters to Us: Bishops’ Pastoral Letter on Racism in Our Day’ (1979). But black Catholics know that such statements mean very little unless they are backed up with radical actions commensurate with the depth of the problem. What does it mean for black bishops to say that ‘racism is an evil which endures in our society and in our church’ and then to do almost nothing to eliminate it? It may be difficult for the bishops to eliminate racism in society, especially in light of the principle of the separation of church and state, but they should be able to reduce racism considerably in their own church” (*Speaking the Truth*, [1986], Eerdmans Publishing Co., Grand Rapids, Mich.).

We live in a world church that has throughout its history honored the notion of cultural difference. One need only look at the number of rites that exist within the family of world Catholicism. Yet it is clear that when African-American people want to control their Catholic destinies by involving themselves in a natural process of evolutionary discovery as this regards the practice of the faith generally, and parish forms and liturgical life specifically, they must always submit their best judgment to others. Often these others fail to understand that even beyond the fact that they are not culturally competent within the African-American context, there

is the reality that people who are refused the opportunity to rise and fall by their own decisions are never fully persons. In such an arrangement, so-called discipline can be a species of violence.

I am certainly not the first person to say these things. They are often the subtext when African-Americans speak among themselves. In fact, it is no secret that a petition was circulated at the National Black Catholic Congress in 1987 for the establishment of an African-American Catholic rite. The irony is that many who chose not to sign did so because they did not think it would be approved by a preponderantly Euro-American hierarchy.

This is truly unfortunate. In the final analysis, it is the church that does not gain. All one has to do is to look at the number of Hispanics who are choosing to go elsewhere. And, I must add, that while no statistics are kept, many of us know that the attrition of African-American Catholics, while not always dramatic, is steady in some areas. While some may leave because of a genuine attraction to another faith expression, many are disaffected by a sense of powerlessness that grows rather than abates with the proliferation of advocacy groups, diocesan and otherwise. What all of these groups point up is that ail “roads lead to Rome.” i.e., no African-American group may be the final judge of what could be conducive to full adult participation in the practice of its faith.

It does not suffice to say that there are some sympathetic pastors who have served for years within the African-American community. For, if their sympathy is real, they more than others should realize how critical it is for the African-American community to gain control of its growth within the larger Catholic community. Our keepers cannot, by definition, be our friends.

I believe that this dialogue can be a time of grace. The danger exists that the grace will be resisted by persons wanting to personalize it dealing with me rather than the issues that affect the integrity and credibility of our church when it makes pronouncements about the development of peoples and fails to understand that development implies self-direction toward fulfillment of a God-given call. And Scripture tells us that this development requires time and self-direction as evidenced by the experience of the chosen people.

I am not the issue however my personal style may incline even some African-Americans to fix me in that role. I ask everyone to enter into the right dialogue.

Father George Stallings, 21 June 1989, statement. *Origins* 19(1989) 153, 155-156.

Statement of Cardinal James Hickey, June 21, 1989:

I am saddened and disappointed that one of my priests, Father George A. Stallings, has publicly announced his decision to appoint himself pastor of the “Imani Temple.” I believe this step is a serious mistake for Father Stallings and for those who might be inclined to support his ill-advised enterprise. In spite of his claims to the contrary, Father Stallings’ action is a serious step toward separating

himself from (he Roman Catholic Church. As Father Stallings knows, he lacks the necessary authorization to establish a new congregation and, of course, this means that the Imani Temple will be not be a Roman Catholic parish of the Archdiocese of Washington.

Father Stallings' announcement is also a deep personal disappointment forme. I have known Father Stallings for more than 18 years. In those many years I have sought to support and encourage his priestly vocation and ministry, first as his seminary rector and then as his archbishop. In the last several months Father Stallings and I have had four meetings to discuss his concerns and the personal factors that apparently led to today's announcement.

As his bishop and as someone who cares very much for Father Stallings and his ministry, I have sought to listen and to respond to him with a deep concern for his well being and the good of the church. I have strongly urged him not to separate himself from the church, but rather to continue our dialogue and to take some lime for prayer, assessment and reflection on his priesthood, his personal situation and his relationship to the church. It remains my hope and prayer that Father Stallings will serve the people of God within the church and not attempt to exercise his priestly ministry through some enterprise of his own making.

I regret very much that this decision is now a matter for media speculation. I am especially disappointed that despite our long relationship and our ongoing conversation, I learned of Father Stallings' decision from representatives of the news media. I do not believe that Father Stallings' personal difficulty should lead to sweeping judgments on the ministry of the church in the black community. My own conviction is that this situation has more to do with the needs and expectations of Father Stallings than with broader questions about the adequacy of Catholic ministry within the black community. No one should mistake this independent and heedless personal initiative for progress in deepening the African-American expression of the Catholic faith. It is a diversion. It is also a serious error to turn away from the Catholic community to some ad hoc experiment in personal ministry.

Il is ironic that this announcement comes just days after a major session of our national bishops' conference on the church in the African-American community; al this meeting the U.S. bishops committed themselves to new and stronger efforts to support the black Catholic community. It is also significant that the announcement comes in the midst of the annual Rejoice! conference hosted by this archdiocese where hundreds of leaders come together to share their experiences and ideas on how African Americans can be both authentically black and truly Catholic. For those who wish to root the church more deeply in the African-American community, these and so many other efforts arc worthy of support; Imani Temple is not. One of the church of Washington's greatest gifts is the deep roots, vital worship and remarkable witness of our black Catholic community. I would very much regret if public attention on Father Stallings' decision were to obscure the leadership of our black Catholic priests, religious and lay women and men. Let

us work together to make the Catholic Church a better sign of unity in diversity and a stronger witness against racism.

I will do all I can to continue to reach out to Father Stallings at this difficult time, to respond to his legitimate needs and the needs of the church as best I can. In this effort my overriding concern will be the life, health and integrity of the entire church of Washington, especially my black Catholic sisters and brothers who look to the church for authentic teaching, for the Eucharist and the sacraments, for sensitive pastoral care and for recognition of their proud heritage and remarkable gifts as both Catholics and African Americans.

Cardinal James Hickey. 21 June 1989, statement. *Origins* 19 (1989): 156-157.

Statement of Bishop John Ricard, July 2, 1989:

It is with profound regret that I learn once again of the news of Father George Stallings' efforts to establish a congregation of African-American Catholics and celebrate the sacred liturgy without the express authorization or approval of his bishop, Cardinal James Hickey. Father Stallings' attempts cannot achieve the ends he has stated nor will they contribute to the development of the Catholic Church in the African-American community.

I believe that I speak for most African-American Catholics when I say that we feel that the full and complete development of the Catholic Church in the African-American community can only come about through those who work within the established church structure.

It is with further regret that I observe that Father Stallings' action is regressive as well as tragic. It is regressive in that it obscures the heroic efforts of many African-American Catholics of the past who struggled for full participation in the church despite tremendous odds. We have been enriched and strengthened by their struggle. One only needs to observe the tremendous vitality of the church in African-American parishes throughout this country, especially in Washington. D C. This is especially evident in the rich use of gospel music, the incorporation of many symbols of the African-American community in Catholic rites and in the significant involvement of African-American parishes in local community development.

Father Stallings' action unfortunately will bring confusion to the minds of many who are both Catholic and non-Catholic. As Catholics, we believe that by its very nature the Catholic Church is universal in that it is inclusive of all people, regardless of race or national origin. We also believe that the Catholic Church extends beyond barriers established because of racial or ethnic differences. Father Stallings' action obscures the efforts of many people of good will, both black and white, to make this a reality in our country.

I pray for Father Stallings as well as those who may participate in this effort, that they will come to realize that what they truly seek and long for, that is, the full expression and experience of what is authentically African American in the

Catholic Church, can only come about through full communion with the Roman Catholic Church.

Bishop John Ricard. 2 July 1989, statement. *Origins* 19 (1989): 157.

Statement of Cardinal James Hickey, July 13, 1989:

Much of the recent public controversy surrounding the attempt of a local priest to appoint himself pastor of an unauthorized congregation reflects basic misunderstandings of what is at stake for the Catholic Church and for African-American Catholics who make up such an important part of our family of faith here in Washington.

Some suggest that black Catholics are facing a choice between their race and their religion, between their cultural heritage as African Americans and their faith as Roman Catholics. Others imply that this is a dispute between those who courageously confront racial injustice and those who practice and tolerate it. These often unstated but pervasive assumptions are contradicted by the deep roots, long history, powerful witness and current vitality of black Catholic life in the church of Washington.

We are deeply blessed to have such a large, faith-filled and growing black Catholic community that is both authentically African American and truly Catholic. This is not a dispute between those who oppose racism and those who support it, but between those who choose to stay and work to make our church a better sign of the Lord's love and justice, and those who abandon their Catholic faith to follow some personal crusade outside the church.

As a pastor, I can understand the pain and frustration of these recent days because I feel them myself. I want to share what is in my heart and offer a word of healing and hope for those wounded or confused by these events.

It angers me to see the hard work of so many African-American bishops, priests, deacons, religious and numerous lay leaders belittled or ignored in the media glare of one man's enterprise of his own making. It is not easy to have to suspend – for clearly and knowingly defying church discipline – a priest I have known and whose ministry I have supported since I served as his seminary rector 19 years ago. It is frustrating to find oneself in the midst of a dispute where the chosen method of communication is not continued personal dialogue, but press releases, news conferences and a steady stream of media appearances.

The real tragedy is that what many regard as ill-advised self-promotion diverts us from the essential task of making the Catholic Church a stronger force for justice, a fuller expression of unity in diversity and a better expression of African-American Catholic faith.

The church of Washington has been greatly enriched and strengthened by the powerful presence and participation of so many of our black sisters and brothers. To them I say the Catholic Church needs what Pope Paul VI referred to as “the gift

of your blackness,” the richness of your traditions, the depth of your faith and the vitality of your spirit. In dozens of our parishes, we are blessed with worship, pastoral care and community outreach that are both black and Catholic.

We do not need an “Imani Temple” to point out to us the needs and challenges in these areas. Our parishes are trying to respond to these issues every day with the help of a variety of diocesan and national structures committed to the service and empowerment of black Catholics.

Breaking from the unity of the church is no answer to the needs and challenges of our African-American Catholics; to do so is divisive and regressive. The Catholic Church is a worldwide community of faith drawing people from every race and continent. In Africa alone, there are over 72 million Catholics. Africa is one of the fastest growing and most vital centers of Catholic faith in the world. The cardinal responsible for the selection of bishops worldwide and the cardinal responsible for inter-religious dialogue are African archbishops from Benin and Nigeria. Separating our African-American Catholics from this universal church would be a tragic mistake.

The actions of one man, responding to his own motivation and need, should not be assumed to speak for an entire community. I believe this particular situation has more to do with the problems and expectations of one individual than broader questions about the adequacy of the church's ministry in the black community. This initiative has not drawn the support of the African-American priests or deacons of our archdiocese or the black bishops of our country, who have provided powerful witness and leadership for justice in the Catholic Church. It is ironic that Imani Temple and the media manipulation that surrounds it may overshadow far more important efforts to strengthen and empower the black Catholic community. In dioceses and parishes across the nation, we are already at work to carry out the National Black Pastoral Plan, initiated and shaped here in Washington by black Catholics from almost every diocese. A month ago, the U.S. Catholic bishops clearly committed themselves to a plan developed by our 13 African-American bishops to strengthen the church within the black community.

The struggle against racism is neither new nor finished. The local church of Washington has both a sad history of past racial injustice and a proud legacy of creative and committed action to overcome it. Have we forgotten Cardinal O'Boyle's courageous insistence that diocesan churches and schools would serve everyone regardless of race while the rest of Washington was still largely segregated and the courts silent on civil rights? We know we still have a long way to go, but it advances no cause to deny the journey we have made together. The task of combating racism in both church and society belongs not simply to self-appointed leaders, but to all believers – whatever our race, ethnicity or position.

Speaking personally, it hurts me to see my own ministry and pastoral service characterized as “racist” and hostile to the black community, since I have tried to stand with the black community since my first priestly assignment serving the black Catholics in Saginaw, in my public support of desegregation and racial justice in

Cleveland and in my ministry, appointments and advocacy as archbishop of Washington. Black Catholics are a major part of who I am and what I stand for as a priest and bishop.

The Catholic Church of Washington is strongly committed to continued efforts to serve and affirm our African-American sisters and brothers. The Office of Black Catholics in our archdiocese is one of the oldest and most active in the country. It involves African Americans in diocesan decision making, leadership development, evangelization and outreach. Our schools serve more than 100,000 African-American students just in the city of Washington because their parents find in Catholic education the values, caring and commitment they want for their families. Catholic Charities and our other human service agencies – with the leadership and professionalism of a majority of black staff – serve the poor and vulnerable with skill, compassion and dignity.

I cite these efforts not to deny problems or to diminish the tasks ahead, but to correct the distorted impression that the Catholic community is a “white church” out of touch or uninvolved with the black community. One of every five Catholics in the archdiocese is black. We are in the black community and of the black community. In recent years it has been reported that the black Catholic community in the United States has grown from less than 1 million to almost 2 million people because African Americans have found in our church a spiritual home where they can express their faith with integrity and authenticity.

We clearly need to do more both to overcome problems that remain and to tell the story of the vibrant and growing black Catholic community, rich in faith, blessed with strong leaders and shaping an authentic African-American expression of Catholic faith. As I read and watched the news over the past few weeks, I wondered why there was so much media attention for Imani Temple and so little for far more broadly based and more constructive efforts of the National Black Catholic Congress, the recent actions of the U.S. bishops and the work of our local and national black Catholic structures. What a shame that the community, through the media, know so much of Father Stallings' concerns and problems and so little of the remarkable ministry of Archbishop Marino, who was called from this church of Washington to serve as the first African-American archbishop of Atlanta. Or Bishop John Ricard, formerly an Anacostia pastor, now serving as chairman of the U.S. bishops' Committee on Black Catholics. Why is the focus only on conflict and dramatic rhetoric rather than the powerful witness of African-American leaders who work every day to make the Gospel come alive in authentic worship and caring service without cameras and headlines?

I want to say to these lay men and women, sisters, deacons, priests and bishops: You are the heroes and heroines of these days, who slay v. .thin our family of faith and work with integrity and skill to shape a church and society more respectful of diversity and more committed to racial justice. You are among the church's greatest gifts. Your legacy will be a church working harder to overcome racial injustice and affirming more clearly an authentic African-American expression of

Catholic faith.

To Father Stallings I say, come home. As your bishop and your brother, I ask you to return to the church that called you and ordained you to the service of God's people. Return to the real struggle to make the church a better sign of unity and diversity. Return to an integral, healthy, effective and accountable ministry within the Roman Catholic Church. Reconciliation will not happen through the media, but through a return to the teaching, traditions and discipline of the church, with a renewed focus on the needs of the entire church, especially our African-American Catholic sisters and brothers. Because of my canonical role as archbishop, I have refrained from continuing public commentary on these events, but thus far Father Stallings has shown less interest in genuine dialogue and reconciliation than in constant public attacks on the church and pursuing media attention for his defiance of church discipline.

From the rest of the Catholic community and all those of good will, I ask your prayers, understanding and commitment to work for a church that truly welcomes all and that affirms and encourages the gifts and leadership of our African-American sisters and brothers. This is a problem not just for one community but for the entire family of faith. Let us move beyond the pain and frustration of the moment to affirm our unity as a people with "one Lord, one faith, one baptism." (Eph 4:5) and commit ourselves to continuing efforts to eliminate racism and injustice from our midst.

My overriding concern in the weeks ahead will be to move on, to protect the integrity and to enhance the life of the entire Catholic Church of Washington, especially my black Catholic sisters and brothers who look to the church for authentic teaching, for the Eucharist and the sacraments, for sensitive pastoral care and for recognition of their proud heritage and remarkable gifts as both Catholics and African-Americans.

Cardinal James Hickey. 13 July 1989, statement in *The Washington Post. Origins* 19 (1989): 237-238.

Letter of Father George Stallings to Black Catholic Clergy, National Black Catholic Clergy Caucus, Milwaukee, Wisconsin, July 24, 1989:

The events of recent weeks have been dramatic. Since all of us who minister within the African-American community are forced to be participants in these events, I want you, my brothers, to know what led up to the Imani Temple of the African-American Catholic congregation.

Some of you are aware that I had been struggling for some time with conflicts between my ministry as an African-American Catholic pastor and what I saw as constraints to my African-American ministry. These constraints, as I saw them, were the result of white American Catholic problems. Every time there is a congress, a conference or a workshop, it seems we are addressing white problems

and our responses to them. I decided that this was only marginally productive and essentially destructive to a lot of us. I felt moved to a substantive response.

When I finally went to Cardinal Hickey with my decision, he urged me to take another course of action. He spoke with genuine care. So I decided to undertake further discernment. At his behest, I spoke to both Archbishop Marino and Father Joseph Verrett, SSJ, a black priest and experienced psychologist.

As anyone who reads the National Catholic Reporter knows, I decided to remain. Unfortunately, because of the NCR article, His Eminence found out about the public statement before I met to tell him formally. Nonetheless, our visit went very well. At the end of it, he expressed some dismay that the article had used the word *schism* and asked that I draft a letter laying the perception to rest and that a copy be sent to the NCR and to the Catholic Standard.

I wrote the letter and brought it with me to our next meeting, one week later. This meeting marked quite a turn.

The cardinal, to put it figuratively, went up one side of me and down the other, and ended up by saying that he would appoint me to nothing until I went down to New Mexico and submitted to a psychological assessment presumably done by whites.

Those who know me know that I can be volatile. However, as the cardinal's words surrounded me on the outside, I felt a certain and gentle peace within. So, when he finished, I thanked him for helping me to make my decision. I realized that despite the genuine solicitude of the first three meetings, we had not communicated at all on the deepest levels. I thanked His Eminence, stood up and assured him of my respect and affection. I went to my office and cleaned out my desk.

The African-Americans who have left ministry because of the death of hope within the church are never dealt with. They are reduced to numbers and no one ever knows the remarkable human beings behind those numbers. They are called "defectors" and bear the mark of traitors or quitters. I decided that I was an African-American Catholic and a priest and would remain so. I insisted on calling Imani Temple an African-American Catholic congregation. The assertion of my own Catholicism and priesthood – defined in Afrocentric ways – was critical and I did not want the assertion to fall silently across the desk in my ordinary's office.

I did not expect the assertion to explode. Yes, a press release was issued and a press conference was held. But I still never expected the entire nation to take notice. As one media analyst observed, it was the sort of media explosion that one cannot pay for. The same person went on to observe that if this had happened during the days of Tiananmen Square in Beijing, or Jim Wright's travail, or Thomas Foley's rage, our announcements could have ended as blurbs in the Washington Post.

It stunned me. Frankly, it scared me. (Ultimately, it proves that [Frederick] Douglass was right: To get your freedom, you must agitate, agitate, agitate.) But I wasn't sure that, if I could have anticipated the magnitude of the response, I

would have gone about the announcement in just the way I did.

I have never been so prayerful in my life as I am now. While the thousands of people at our services speak forcefully to the need for such a ministry, I am not sure that I would have had the courage to pursue it alone if I could have anticipated the task a month and a half ago.

My faults are clear to me. They are becoming clearer. I know I’ve spoken flippantly at times – never with malice, but people have been hurt nonetheless. In some ways, I am a creature of my enthusiasm. Recognizing this, I am trying to put together a team that will not only discipline me but also make maximum benefit of my skills while guiding me around and through my weaknesses.

This I can tell you: These past six weeks have forged in me a sense of responsibility and resolve that was not there before. For this, I can have no regret. Nor can I regret that it has come as a result of my realization that thousands of African-Americans have called me and others to say that their faith and their hope have warmed again, after decades in some cases. One has to be resolute in the face of this responsibility.

Regardless of what others say, I am a Catholic priest. And that priesthood must be expressed through my African-American self. Unlike Archbishop Lefebvre. I affirm Vatican II and all its missiology. While I can understand Cardinal Hickey’s suspension of me as coming out of a sincere mindset that merges order and peace, authority and right, it stands in stark contrast to the treatment of Lefebvre and those who follow him. A recent article in the NCR reports that not only has Rome instituted a conservative religious society to attract Lefebvrites, but that Rome has also approved the founding of conservative congregations over the heads of diocesan bishops.

I am black, and African-American, and a priest; Lefebvre is white and an archbishop. Yet, the forbearance and respect he received for those 25 years of defiance to the leachings of a plenary council of the church is not given an African-American priest who insists that the American Catholic Church has wailed too long to honor the missiology of those council fathers. It is not me that my church and archdiocese must be reconciled with but rather the teachings of Vatican II.

There must be the honest look at what exists and there must be a guarantee that African-American Catholics may grow and develop on their terms and not at the good will of someone who is not culturally competent to guide their evolution. There is no true dialogue as long as one party can by a sweep of the pen elevate aesthetic notions to the level of theological imperatives.

So when I hear while bishops and priests ask. What does he want?, if I were not so weary I would be amazed. For we have said it congress after conference after congress. I want authentic church teaching applied to everyone. I want what is read in the documents and here quote: “For anyone who is going to encounter another people should have a great esteem for their patrimony and their language and their customs.” I want this applied to African-Americans. I believe it is a right and, as I see it, one does not have to beg for rights, they are given by God.

But, my brothers, the “What do they want?” question is the same question whites ask of African peoples all over the world. They asked it during the civil rights movement and the de-colonization of the continent. They ask it in every demand movement. We offered the Declaration of Independence, the Constitution and the Bill of Rights in response. In this movement we offer to our church our God-given right to live as our religious selves, developing as the Lord would lead our sacred evolution.

Everyone seems to agree on the existence of racism in the American Catholic Church. But the mere admission does not absolve anyone personally or our American church collectively from assailing it “by every means possible.” We blacks know that “wait” means that something else has been more important than African peoples in the entire history of American Catholicism. And the miracle is that we African people understand its essence so deeply that we can be faithful to that which is worthy of faith and love.

I am convinced that African-American freedom is more important in God’s eyes than white convenience. I am also convinced that this is not the belief of the majority of our white brothers and sisters, be they clerical or lay. This is why we are told to wait.

Our freedom is viewed as something they have the right to confer or defer. Hence, I am not convinced that the American Catholic bishops’ overwhelming 1989 vote for the pastoral plan we African-American Catholics adopted in 1987 means anything more than their overwhelming vote on “Brothers and Sisters to Us,” the magnificent pastoral on racism they issued in 1979. A critical pastoral, it has been a dead letter to American Catholics because there was never an episcopal will to give it life.

I want you to understand, dear brothers, that Imani Temple stands for more than free wheeling Gospel liturgy. The issues are not solvable by liturgical reform and openness to liturgical experimentation. (Maybe it is our fault as priests and brothers who minister that too many have the impression that a little bit of Gospel makes the racism go down.)

Although liturgy and the prayer life of the community are important, there are a number of issues involved in the free self-definition of African-American Catholics. These issues form a necessary part of their right to expect respect from those who serve them. This is very much the leaching of Vatican II, that the respect will show itself by organized efforts to educate those who serve us. This respect will show itself by organized efforts to educate those who serve African-Americans in programs that African Americans structure and administer and teach.

I would beg you, brothers, to consider the thousands of persons who have come to Imani Temple because (their sense of worth is constantly assaulted by pastors who know nothing about us but, because of a level of social ease we provided them, think that they have been transformed into one of us.

There must be a commitment according to the mandates of Vatican II to the free development of Afro-centric theological studies, studies of African spirituality.

biblical studies that give exposition to the Afro-Asian roots of Scripture and church history.

Authentic African-American liturgical development demands the freedom to enter into a practical dialogue with African, Afro-Caribbean and other African-American forms of worship. We also ask for the incorporation of "Brothers and Sisters to Us" and Pope John Paul II's document on racism in all Catholic education programs, from seminary to CCD, from private Catholic academy to ghetto grammar school. The love of others that these documents demand must become essential to the language of Catholic action.

Many of my white brothers and sisters will have no trouble with the above as long as they are voluntary. Studies about African peoples should be voluntary, they will hold. I would urge them to read the documents of Vatican II. They demand it of anyone who would call himself-herself missioned in Christ's name.

Brothers, these are some of the things I want Imani Temple to be about. But I believe that we African-American Catholics need to meet in synod with our bishops to further forge direction for transformation.

If we're honest, brothers, racism is part of almost our every utterance. It is somewhere in the background because that's our existence in the weary land. That's why I'm a bit put off by all of those who've been saying that "George went about it in the wrong way." Can anyone show us from history how we, as a people, have ever gotten anything good except by what someone has called the "wrong" way. (Maybe whites don't know that, but we should.) When African Americans talk about freedom, justice and charity, the white world talks about universality, order and authority – as if authority used against justice and charity is ever legitimate.

I do not ask that any of you follow my way. I do ask you to consider how you would best evangelize and move our people forward, filling them with the pride and hope that come from knowing that God made them free and well. I also ask you to consider the thousands of people who have come to Imani Temple because they see in it a way to keep Catholicism in their lives.

I am your brother. I believe that brothers should understand one another, and, if they disagree their disagreements should not become the matter of public scandal or titillation. I believe we've had enough manipulation by others.

Let us pray for one another, holding strong to the belief that the continuing mission of Christ to our people should be the driving passion of our lives.

Father George Stallings. 24 July 1989, letter to Black Catholic Clergy. National Black Catholic Clergy Caucus. Milwaukee. Wisconsin. *Origins* 19(1989): 239-240

Address of Bishop James Lyke, OFM to the Diocesan Black Catholic Advisory Board, August 14, 1989:

With the suspension of the priestly faculties of Father George Stallings and the founding of Imani Temple, people – black Catholics, especially – from all over the

country have phoned or written to the African-American Catholic bishops for information and dialogue, to express agreement or, mainly, disagreement with much of what Father Stallings has done. Almost in a complete union of mind and hearts, they have sought our guidance and our care and have offered moral support. The expression of sororal and fraternal affection has been very moving, indeed.

These inquiries have assured us again of the historic loyalty of African-American Catholics to the church, despite the sometimes unrelenting blasting we receive in this our crucible of racism here in the United States. The encouragement we have experienced and the guidance that has been sought resonates with the words Pope John Paul II addressed to us in September 1987:

“My dear brother bishops, who share with me the burdens and joys of the episcopacy: I am pleased that the universality of the Gospel and the cultural diversity of your nation are increasingly mirrored in the composition of the American hierarchy. While your apostolic ministry draws you to serve all the faithful of your respective dioceses – and in collegial unity the whole body of Christ – it is fitting for many reasons that your own black brothers and sisters should have a special right to your pastoral love and service.”¹

It is against the backdrop of this papal exhortation that I write this reflection: to raise up history, to proclaim a caring love and to inform as an episcopal servant in this church we cherish.

A Caring Love

Dr. Martin Luther King Jr. reminds us:

“Love yourself, if that means rational, healthy and moral self-interest. You are commanded to do that. That is the length of life. Love your neighbor as you love yourself. You are commanded to do that. That is the breadth of life. But never forget that there is a first and even greater commandment, ‘Love the Lord thy God with all thy heart and all thy soul and all thy mind.’ This is the height of life. And when you do this you live the complete life.”²

First, there must be a caring love. There must be a caring love for Father Stallings. No one knows the inner conflict he went through before his decision, his

¹ Pope John Paul II, “Address to Black Catholics.” *Origins* 17(1987): 251.

² *The Words of Martin Luther King Jr.* selected by Coretta Scott King, (Newmarket Press, New York, 1983) p. 64.

personal dialogue with his confidants and the events that may have led to his actions. We only know that he made a decision in love of his God, himself and his neighbor – a decision in conscience. However much and however strongly we disagree with him, we must first love our brother. George; such is the very teaching of Christ. Furthermore, we must respect his conscience; such is the longstanding teaching of the church, reiterated at Vatican II: No one is “to be forced to act in a manner contrary to his conscience. Nor, on the other hand, is he to be restrained from acting in accordance with his conscience, especially in matters religious.”³ But, because he is our brother and we love and respect him, we must also challenge him to remember that, for Catholics, the church, guided by the Holy Spirit, is still the primary wellspring of moral direction, an informed conscience and leadership. The church is the outgrowth of centuries of rich experiences, crossing social, economic, political and cultural lines.

In the same vein, it must be affirmed that the church, too, has a conscience and must preserve the integrity of its fundamental laws and structures. Accordingly, there are necessary consequences to a decision in conscience which threatens or disrupts the unity of the church. In writing; about Father Stallings’ decision to establish Imani Temple, Father Larry Lucas, pastor of New York’s Resurrection Church, and known for his longstanding, vehement opposition to racism within the church and the society, made this clear:

“The suspension was justifiable. When you violate the laws of your own free choice, you must expect your superiors to take action.... If you are going to fight the system or institution, then why remove yourself from it as opposed to doing your own fighting on the inside?”⁴

There must be a loving care for African-American Catholics. Our black Catholics have expressed a variety of responses: their fear, concern, dismay, shock, embarrassment and support. They have and will continue to ask for explanations and reflections. They should know that the black bishops understand their own inner conflict and unrest. We have listening ears and compassionate hearts.

There must be a loving care for all Catholics in the United States. While the African-American bishops have special concern for black Catholics, with other members of the College of Bishops we work under the leadership of John Paul II in pastoring the universal church and with the bishops of the United States in pastoring the Catholics of this country, no matter what their race or ethnic background. All Catholics in this country have been affected, for racism and discord affects us all. From us they can expect continued labor for the unity of the church and the human family.

³ Vatican Council II. Declaration on Religious Freedom. 3.

⁴ "Washington Priest Under Fire," Christopher Burch. *Sunday Morning*, July 16-22. 1989. p. 4

Genuine Information

Elsewhere Dr. Martin Luther King Jr. said: “There is little hope for us until we become tough-minded enough to break loose from the shackles of prejudice, half-truth and downright ignorance.”⁵ To dispel some of the prejudice, half-truths and ignorance surrounding Father Stallings’ decision there must be genuine information.

T.S. Elliot suggested that “as we grow older the world becomes stranger, the pattern more complicated.”⁶ In my opinion, the media in their quest for simplicity have forgotten that “the pattern [is] more complicated,” that the issues that Father Stallings has raised are far more complex than they (the media) make them, leaving us (the public) with false impressions about the Catholic Church in the African-American community.

Thus, there must be genuine information:

1. About inculturation. It would be helpful to remember the admonition of the noted liturgist, Aidan Kavanagh: that the liturgy is not adapted to the culture as much as the liturgical assembly absorbs the best and most fitting cultural elements into itself in a rich diversity of ways and over long periods of time.⁷

Further, it would be helpful to recall the words of the council teachers: “The church has no wish to impose a rigid uniformity in matters which do not involve the faith or the good of the whole community. Rather she respects and fosters the spiritual adornments and gifts of the various races and peoples.”⁸

And finally, it would be helpful to read and study again, “In Spirit and Truth,” written by the Black Liturgy Subcommittee of the Bishops’ Committee on the Liturgy. Here is a recent, outstanding tool to help us foster this marriage of the Roman Rite and blackness. Here, in this document, are set out many of the very developments for which Father Stallings calls. (Here we might add that the subcommittee has been working for four years on another and more in-depth document on black worship, “Catholic Worship and Black Americans.”)

2. About rite. There are currently 18 rites in the church: Coptic, Ethiopian, Syrian, Maronite, Malankar, Bulgarian, Greek, Georgian, Italo-Albanian, Melchite, Rumanian, Russian, Serbian, Ukrainian, Chaldean, Malabar, Armenian and Roman. Differences in the cultural, theological, psychological and national makeup have produced these rites which differ in their ecclesiastical discipline (governance, liturgy and spiritual heritage). Nevertheless, all these rites share equal dignity within the universal church entrusted to the pastoral care of the bishop of Rome,

⁵ Coretta Scott King, op. cit., p. 30.

⁶ “The Four Quartets,” East Coker, V

⁷ Aidan Kavanagh, OSB, *Elements of Rite: A Handbook of Liturgical Style*, New York: Pueblo Publishing Company, 1982.

⁸ Vatican Council II, Constitution on the Sacred Liturgy, 37.

the pope. All of these rites are of historic origin and all are recognized by the Holy See. The other rites that have arisen throughout the centuries, whether canonical or liturgical, have been suppressed.

Note that among these rites there is not listed what has been referred to as the “Zairian rite,” or in fact, no such rite exists. The so-called “Zairian rite” is a strictly liturgical form of the Roman rite, and its official title is The Roman Rite for the People of Zaire. Research and reflection toward the formation of this liturgical expression of the Roman rite began in 1961, went through periods of experimentation and in its final form was approved by the Holy See in 1987. The development of this particular ritual expression was guided by the bishops of Zaire in collaboration with the Holy See. To my knowledge, the bishops of Zaire never petitioned for a separate rite, in the sense of establishing a particular church with its own bishop, governance, liturgy and code of law. Such a rite was not needed for them to be truly and at the same time Roman Catholic, African and Zairian.

Given the history of church rites, and given the thorough and lengthy, historical, anthropological, canonical and theological investigation that preceded the development of The Roman Rite for the People of Zaire, and given the great diversity of African-American peoples, it is puzzling and precipitous that some might propose an African-American rite without proffering at the same time the research and reflection that would support such a proposal. Further, in regard to the call for an African-American rite and the establishment of Imam Temple, it is worth observing that Father Stallings made his move without prior formal and open consultation. He did not use the channels of consultation within the Archdiocese of Washington, nor did he communicate with the black priests of the archdiocese. As president of the National Black Catholic Clergy Caucus, he had the unique opportunity of raising the question of a separate rite and placing it on a national agenda. This he never did. Finally, he never once brought his questions to the black bishops. In this age, when a pastor would not even re-arrange the sacred furnishing in a church without consulting with his parish council, Father Stallings was strikingly non-collegial in establishing a parish without going through the normal processes of consultation and in acting independently of the authority of his diocesan bishop – a bishop who has known and supported him for some 19 years.

3. About the number of African-American Catholics. There is much unclarity regarding the number of African-American Catholics. The ambiguity exists for several reasons: a) the unscientific manner in which numbers of black Catholics (and Catholics, in general) are reported from parishes in the United States; b) the dual membership that many black Catholics (as well as other ethnic Catholics) hold in parishes; c) the failure to distinguish among Catholics of African descent from the continent of Africa, Catholics of African descent from the islands (e.g., Haitian, Jamaican) and Catholics of African descent who are longstanding and historic citizens of the United States; d) the confusion caused by the inexact reading of the sudden increase in the number of black Catholics reported in the 1984 Josephite Statistical Profile of Black Catholics (this profile included those from African

descent from the islands); and e) the more recent 1988 Gallup sampling of black Catholics. Did this Gallup survey, though scientifically pursued, include in its purview all Catholics of African descent or simply those traditionally called “black Americans”? Did the Gallup poll represent U.S. citizens only, or did it also represent those upon whom citizenship is not yet conferred?; f) one can go to any number of Protestant churches in the United States and find large percentages of former black Catholics. How many of these former black Catholics remain on our denominational rolls?

I make these observations on the number of black Catholics to point out that any dialogue or investigation about a separate rite must begin with a clear understanding of the people already sampled as well as the corpus of sampling potential itself.

4. About the number of black priests. Father Stallings laments the fact that, of the 300 black priests, only about 60 are pastors in the some 1,000 parishes in the African-American community. It must be stated here, as in No. 3 above, that the exact number of black clergy is difficult to ascertain. I have heard the figure “about 300 black priests” for the last several years. From where does this figure come, in what year and by whom was it published and from what study was it derived? Also, when the information was requested (supposedly from the various dioceses), what meaning was given to the designation “black” (were Haitian priests included, for example)? Further, it must be remembered that many of our black priests (unlike the rest of the clergy population) are young; they may not be ready to take on a pastorate. Also, many are by profession educators, social workers, chaplains, etc.; These may not want to be pastors. Many of them are members of religious communities, which they may have joined for the specific purpose of the community’s major apostolate. Still, some others may simply not be “pastor material.”

5. About the level of participation in the church. There has been a dramatic rise in the participation and sense of ownership of black Catholics in the church over these past few years. This is due to many factors: a) the overall spirit of collegiality that pervades the church in the United States; b) the desire on the part of many bishops to include all ethnic communities in decision-making processes; c) the involvement and visibility of the black bishops in so many areas of national church life and the publication of their pastoral letter, “What We Have Seen and Heard;” d) the historic and encouraging visit of Pope John Paul II to African-American Catholics in September 1987; e) the rapid increase in the number of offices for black Catholics in dioceses throughout the country (today there are over 40, compared to less than 15 only 10 years ago); f) the event of the National Black Catholic Congress and the promulgation of the National Black Catholic Pastoral Plan in May of 1987, preceded by a two-year widespread and intensive consultation; g) the consulting, publishing and lecture services of the National Black Catholic Clergy Caucus and the National Black Sisters Conference; h) the educational and formational services of the Institute for Black Catholic Studies at

Xavier University of New Orleans; i) the growing media productions of the Catholic Televangelization Network, the Society of the Divine Word Media Productions Center and the Josephine Pastoral Center; j) the follow-up activity of the National Black Catholic Congress Office, particularly its workshops for pastoral staffs serving the African-American community; k) the increasing involvement of the Knights and Ladies of Peter Claver on national and diocesan levels, and the continued work of the National Office for Black Catholics; l) the music and liturgical work of the annual Rejoice Conference; m) the numerous other conferences, workshops, lectures and media productions from various segments in the Catholic community; n) and, very important, the establishment of the Secretariat for Black Catholics at the National Conference of Catholic Bishops; o) and, finally, as a result of all and more than the above, the growing awareness and conviction on the part of black Catholics that “we have gifts to offer” and that not be in communion “this church is ours, too.”

6. About Imani Temple as a *catholic* church. There is a certain equivocation in Father Stallings' use of the term *catholic*. When he says that “Imani Temple is open to everyone, whatever your race, nationality or creed.” he is using the term *catholic* in a basic dictionary sense – a type of all-inclusiveness that demands little allegiance to the fundamental theological tenets proper to the church of Rome. How else could he believe that he could establish a parish without the authorization of his diocesan bishop and without a formal relationship to him? What happened to the ancient tenet, “*Ubi episcopus, ibi ecclesia*” (“Where there is the bishop, there is the church”)? Or, as Father Donald Clark, a pastor in the Archdiocese of Detroit, has said so well:

“Imani Temple tries to preserve the name 'Catholic.' but it is an equivocal use of the term. The temple is built upon, not a Catholic principle, but a principle commonly associated with some Protestant groups. In some Protestant communions, congregations are separate and autonomous. While holding some common tenets (the supremacy of faith and Scripture, the Lordship of Jesus, etc.), congregations need not hold to any external, corporate union. Churches divide over various issues and action; and that is no problem. For Catholic communities another principle holds; Church unity is corporate as well as credal. That is, we believe and profess one truth, and we form one visible communion. All the differences among the varied rites within the Catholic Church do not separate us in what we believe as central to Christianity, nor does it divide us from the visible bonds of the Catholic Church most often revealed by the unity with Peter's successor, the pope. As Stallings says his congregation does not reject Pope John Paul II, his authority or leaching responsibility. Thus. Imani Temple is not schismatic. The picture he paints is wrong because it expresses a principle of the church's nature and practice that is at odds with that of the Catholic Church.

“It needs to be said that one cannot be in communion with the bishop of Rome, the pope, if he is out of communion with the bishop of Washington, Cardinal Hickey. The Catholic bishops around the world are a college, Vatican Council II reminded us all. Union with one bishop in the college is union with them all. In refusing obedience to his bishop in Washington, Father Stallings is driving a wedge between himself and all Catholic bishops, including the pope.”⁹

7. About racism within the church. Racism within the church is an acknowledged fact. The bishops of the United States, in formal assembly in 1979, promulgated the document, “Brothers and Sisters to Us,” in which we addressed this question. In September 1984, in our pastoral letter, “What We Have Seen and Heard,” the African-American bishops spoke of racism as the key reason why black people do not join the Roman Catholic Church. Racism is that ugly stain on the body that remains. From a survey the writer conducted in preparation for the writing of “What We Have Seen and Heard,” after noting the positive feelings of black Catholics toward the church, he concluded:

“But these same Catholics noted that all too often the church has been slow to be in the forefront, slow to make necessary changes and relate to the needs of today and of each unique culture. Ideologically, liturgically, financially, administratively and numerically, the church is still oppressively too white. Clergy reflect racist attitudes or are not sensitive to black people, or are not committed to the radical Gospel preaching on justice. Parishes lack good programs for young and older black people, and parish councils are not efficient enough to respond to black needs. The church fails to attract and train enough black lay people for leadership service and lacks a sincere drive and commitment to black vocations. These are some of the things black Catholics are concerned about.

“I was so proud to be a Chicago Catholic when I heard our own Cardinal Bernardin had articulated so eloquently his ‘seamless garment’ of Christian values in a prophetic call to the church to own her championship of life in all its forms and in every age. Our pro-life ethics indeed is no narrow moralistic obsession, but a genuinely Catholic, truly universal love, a love that reaches out to all, embraces all, touches all, includes all....

“May there be a seamless garment of concern, of conscious and efficacious efforts to incorporate black Catholics within the structures of the church, at decision-making levels, diocesan pastoral councils, committees, boards, agencies. Is there outreach to include black Catholics in areas that affect the whole church, or are they called on only when we deal with a ‘black issue’?

“Is there a seamless garment of concern that includes black people alongside

■ “What’s Wrong,” Father Donald Clark, Sr. *Catherine-St. Edward Parish Bulletin*. July 23, 1989, pages 1-2.

other sisters and brothers in visible and responsible positions of employment at the diocesan level?....

“A seamless garment of concern calls for an atmosphere of encouragement and support among the clergy, religious and lay leaders of the church at large for those working in the black community. A seamless garment of concern would never view this ministry as marginal to the mainline church body. Are black agendas interwoven fairly in agendas for clergy meetings, continuing education programs, seminary studies, in the allocation of funds and sharing of resources?

“Are diocesan seminarians and religious in formation being prepared for ministry in the black community? Is there a seamless garment of concern when ministry in the black community is looked upon as ‘extra institutional’ or ‘purely voluntary’ or ‘optional’?”¹⁰

The question is, have things changed since I penned these words in 1984? Has there been in each local church a systematic and consistent effort to implement “Brothers and Sisters to Us” and “What We Have Seen and Heard”? For example, is there a real, public, strong and visible moral outrage when racial violence occurs within our communities? Is it clear to the public and to Catholics especially what the church believes, teaches and is doing? What precisely has been accomplished?

At the same time, let it be noted that there is something very naive about the statement, “The church is a racist institution.” What this simple sentence seems to skip is that racism exists not only within the Catholic community, but is a pervasive, endemic and all-encompassing reality for all who live in the United States. It seems to drop altogether the notion that the government should be compelled to do something about eradicating systemic racism in our own divided house. The church’s works of mercy and justice are no substitute for federal, state and local policies that, when implemented, can direct behavioral change in the public and corporate forum and create the atmosphere in which attitudes and hearts can more gradually be reshaped. (When have you last heard a president of the United States give a substantive address to the people of the United States – not simply to a convention of black people – about its most divisive disease of racism?)

The simple declarative that the church is a racist institution seems to miss the point that racism is not only a sin, but a sickness as well. We are not only called to conversion of soul; racism in this country is a deep mental illness that throws the psychic center off balance.

Furthermore, the bold assertion that the church is a racist institution appears to conveniently forget that the church for decades and up to the present has worked with the black community in the area through which we best discover our own power and equip ourselves for life in this country and church: education. Indeed, I find it quite disturbing that we as black Catholics and all those parents and

¹⁰ "Strangers in the Promised Land." James P. Lyke, OFM, talk for the annual Jesus Day of the Archdiocese of Chicago. Quigley Seminary. Chicago. 1984

students of our schools are not more visible in the one effort that will ensure Catholic education in the future: some form of government assistance to the parents who send their children to our schools.

Here I might address the allegation of racism to the consolidation, clustering, merging and closing of Catholic churches and schools within the black community. I have been a strong proponent of such efforts. Why? It is simply educationally and fiscally irresponsible for the church to maintain institutions that in yesteryears served 1,000 to 3,000 families or hundreds of school children and today holds a parish membership of 200 to 300 and a school of a little over 200 or less. It is very difficult to create a spirit of unity in worship when 200 people worship in a church built for over 1,000.

More parishioners in fewer parishes will also mean the likelihood that a congregation will not live with the survival or welfare mentality and daily worry as to how long the diocese can continue its annual subsidy. Fewer parishes will also mean that there are an adequate number of parishioners to develop the various lay ministries within the parish community. Further, with fewer parishes to staff, the diocese may more readily be able to staff parishes with priests and pastoral ministers who are truly desirous of ministering in the black community.

Given the complexity of today's subject matter, one cannot provide the proper educational departmentalization and specialization among a school population of 200. Not even the public schools can afford such a low teacher-student ratio. And, it is not fair to ask upper grade teachers to master several subject matters. Further, already our teacher salaries are embarrassingly low. We do best having fewer teachers in fewer schools, while not denying Catholic education to our students. I write from experience. Our schools that have merged in Cleveland are better schools, now able to provide more quality education to students and even adding pre-school and after-school care, day care and parental education. What is key in all this, however, is that it is done with both the education and participation of the parishioners and parents of the school children, and through a diocesan planning process that involves the people as well as staff and specialists. In the end, people will want what is best for themselves and for the children. Still, planning is no easy process'. (Let me add, I am speaking here of a northern urban experience. Also, and on the basis of this northern urban experience, I recommend such clustering, merging, consolidation and closing in the total diocesan community.)

Beyond this ministry of education, there is the church's work of social service. The black community receives substantive portions of our Catholic social service ministries, its family programs, adoptive services, justice advocacy work, hunger centers, drug education programs, crime prevention, welfare rights, etc.

It should also be noted that the offices of the U.S. Catholic Conference work closely with the Congressional Black Caucus in strategizing and lobbying for legislation. USCC meets with their membership and staffs, and is practically of one mind with the caucus on practically every justice issue that pertains to black people. Further, through slate Catholic conferences and legislative networks, the

church is involved at the local and state levels in such issues as capital punishment, housing, prenatal care, education, etc.

8. About the appointment of bishops. There is no doubt that, if the church in the United States is to adequately reflect the future complexion of its population, it will need to have more bishops of various ethnic backgrounds, particularly of African-American, Hispanic and Asian backgrounds. This principle of the indigenization of the clerical leadership is an ancient one in the missionary activity of the church and is no less true today. Specifically, the need for African-American bishops was asserted in "Brothers and Sisters to Us" and the presence of African-American bishops in the U.S. hierarchy was cited by the Holy Father in his September 12, 1987, address to black Catholics.

One cannot say that the church has been deaf to the call for African-American bishops. When I was ordained 10 years ago, in August 1979, I was the fifth bishop of African-American descent. Ten years later, we have eight more black bishops. Within a year after the delegates of the National Black Catholic Congress requested a diocesan bishop, Archbishop Eugene Marino was appointed to the See of Atlanta. There has been progress.

Is there a need for more, particularly diocesan bishops? Of course there is. One of the church's strongest signs of catholicity is the appointment of heads of dioceses from "every race, language and way of life." This assures the people of God of the benefits and blessings of all of God's people. In a country like ours, so pluralistic and multicultural in its geographical and ethnic makeup, we must have a hierarchy of diverse backgrounds to exemplify the truth of the church's unity and catholicity, to affirm the seriousness of its missionary endeavors and to assure a universality of input at its highest levels of deliberations and decision making. Today, the continent of Africa experiences thousands of converts each day. This rapid and unbelievable growth of converts began and continues because the Holy Father appointed indigenous bishops to head Africa's local churches. It is our prayer that the Holy Father will continue to look favorably upon the appointment of African-American bishops to serve as auxiliaries and, especially, to head local churches in the United States.

Looking to the Future

There is no doubt that the news surrounding the establishment of Imani Temple has given renewed and visible expression to the status of African-American Catholics within the church and to the issue of racism. What efforts might the church make in light of these recent happenings?

1. If it does not already do so, each diocesan church might do a better job of publicizing what it already has done and does. The same could be said for the U.S. Catholic Conference and the various state conferences, as well as other church communities and organizations.

2. Each diocese and the local and national church organs could examine their

goals for interracial justice in light of “Brothers and Sisters to Us,” “What We Have Seen and Heard” and the pastoral letters on peace and the economy, and the recommendations made in these documents. Such examination should be action-oriented.

3. Black people’s experience of racism takes place principally in neighborhoods and in the workplace. We have done a poor job of reaching the hearts of our white sisters and brothers and motivating them to respect the dignity and rights of minorities. We need to intensify such efforts. When racial violence takes place in our respective dioceses, the voice of the Catholic Church against such actions and for the rights of people should be strong, clear, and public. As is already the case in many areas, ecumenical and interfaith efforts and collaboration with esteem human and civil rights organizations and the economic sectors underscore the message and strengthen the movement. We must remember that the Christian faithful have as much a right to this aspect of its teaching as they do on such issues as abortion. Too seldom do our pulpits resonate with harmonious exhortations on interracial justice and the rights of minorities.

4. As mentioned earlier, there are many diocesan offices of black Catholics. These offices should be adequately staffed. Their directors and advisory bodies need to be in a position to be consulted through regular administrative and policy-making channels. The diocesan administrator needs to be able to connect with other diocesan offices to bring an African-American perspective to the various diocesan departments and also to listen and learn from these same departments in order to pass on the fullness of church life to our African-American constituents. Also, periodically the administrator should report to the diocesan bishop and his offices on the progress of her/his work and the office’s effectiveness within the African-American community.

5. Diocesan justice and peace offices, which deal with the systemic dimensions of social evil and attitudinal change on justice issues, should address the structural and behavioral aspects of racism. Often, the office for black Catholics is automatically asked to address the problem of racism. Racism in the main, however, is not a “black problem.”

6. The diocese would do well to support all efforts at legitimate inculturation in every aspect of church life. This is done mainly by appointing pastors who want to minister in the African-American community, are truly open to our culture in its various expressions, are willing to study formally the history and culture of our people (for example, at the Institute for Black Catholic Studies), and enter the black community as listeners and learners in order to be good pastors and teachers in the faith.

May I add here that, while the media has given the impression that black Catholics must succumb to Euro-American ways of thinking and worship, there has been much progress in the area of inculturation – in liturgy, sacramental preparation, catechesis, art, elementary school disciplines and other facets of church life. Still, once in a while, I am shocked back to reality. For example, there

are still too many parishes and schools in the African-American community who do not employ *Lead Me, Guide Me. The African-American Catholic Hymnal* in their worship and school music courses.

Conclusion

The aim of the church and African-American Catholics in these times has been to overturn the old ways of exclusion and discrimination, to put on the new robe of full incorporation of black Catholics into church life and ministry, and to provide black Catholics the opportunity to endow the church with their spiritual and cultural gifts.

These are the goals that have been masterfully delineated in "The National Black Catholic Pastoral Plan" of the National Black Catholic Congress, adopted in May, 1987 by the congress delegates and received in June 1989 by the National Conference of Catholic Bishops. (It should be noted that the late endorsement of the National Conference of Catholic Bishops was due to the processes at work by the congress itself and not the NCCB.)

So much of what I have said above in this lengthy article is much more clearly and inspiringly addressed in "The National Black Catholic Pastoral Plan." This plan discusses and programs such concerns as: black history and culture, the black family, black youth, worship and spirituality, liturgy, decision making, consciousness raising, vocations, empowerment, lay leadership, parish development, accountability/responsibility. Catholic schools, needs of the poor/social outreach, parishes, community development, social disorganization and moral development. This plan addresses the issues of being African-American and Catholic, leadership and pastoral ministry, and the outreach of the parish and school to the community. It is a matter of fact that parishes and dioceses are working on this plan and making strong efforts to implement it.

There is no better way in which I could conclude this article than by redirecting the attention of our people and our dioceses to "The National Black Catholic Pastoral Plan" and to the landmark NCCB documents of the last two decades that address the questions that have been given renewed coverage as a result of Father Stallings' suspension and the establishment of Imani Temple.

The fact that much has already been accomplished is a sign that much more can be accomplished – and will be accomplished.

Finally, let the church's action in behalf of justice and the greater incorporation of African-American Catholics in the church take place like its liturgical prayer:

"Your prayer has more power when it is joined to the other members, when the whole body of the church lifts its prayer up to heaven with a single heart (St. John Chrysostom, "Homily on the Obscurity of Prophets," 2,4).

Address of Bishop Wilton Gregory to 1989 Liturgical Conference, September?, 1989:

This presentation began, like most of the other addresses that I have delivered on the liturgy over the last 10 years, with personal reflection on the principles that shape Catholic worship. I began with a consideration of *Sacrosanctum Concilium*: the fundamental contemporary ecclesial statement on Catholic liturgy. I considered the pastoral issues that presently face us in the ordinary celebration of the church's life of faith in word and in sign. I reviewed a number of the more recent documents that have been issued by the Holy See and the U.S. episcopal conference and studies by liturgical and sacramental scholars.

Considering all of these issues in the peace and quiet of my own heart and mind, I was suddenly interrupted, as we all were, by the events of this summer. Suddenly my reflective processes had other facts with which to contend. Liturgical accommodation and the African-American Catholic community was no longer simply a topic for speculation. It had become an issue for the entire nation.

My office was besieged with requests for media interviews and statements. The interested parties were not specialists in liturgy. Indeed, many of them may not have been Christians or believers; yet they were asking questions about some of the most profound and complex liturgical issues that Catholics have faced since the Second Vatican Council initiated the renewal of worship over 25 years ago.

Equally important, few of the media personnel were African-Americans, and thus they were attempting to understand a phenomenon that has now captured the imagination and interest of the nation, but has long been personally felt by those of us privileged to have been born members of the African-American community.

Thus did I depart from the quiet of my reflection to realize, once again, that the contemporary issues which face Catholics in general, and African-American Catholics in particular, are not always addressed in the dispassionate atmosphere of scholarship, but frequently in the rush of demand and controversy. Frankly, it has taken some time for me to realize the significance of this historic moment and to accept the potential for good in these events. But I am now sincerely grateful to have been so abruptly disturbed and prodded to consider both normative liturgical principles and pressing life issues. I trust this prodding will improve the observations that I will share with you today.

In very many respects, this is the most difficult presentation that I have ever given to a group like this. You include members of all the various racial, ethnic and linguistic groups that comprise the church in Detroit. You represent a full spectrum of attitudes toward the church's liturgy – from those who prefer a more traditional style of worship to those who are impatient and frustrated that the church has not gone far enough, fast enough. Some of you embarked upon your spiritual journey accompanied by the church's liturgy prior to the Second Vatican Council, while others can only recall the liturgical results of that council.

Many of you may be confused by the events of this past summer. Some of you

may be shocked that African-American Catholics have harbored the obvious feelings of frustration expressed by some. Others may want to know more specifically what this critical event demands from the church. Still others may be uncertain about the impact of this summer's news events upon the wider church in the United States with its multicultural, multilingual composition. There is a great deal of questioning in this assembly and throughout the church universal.

If some of you think that I have come to resolve all or even most of your questions, allow me to assure you that I have questions enough of my own to humbly admit that final or ultimate resolutions are not possible at this moment. Nonetheless, I will try to clarify the basic issues as I understand them. I invite you to journey with me in exploring these issues. By carefully articulating the issues as clearly as I can, I may provide a modest impetus to help us understand the significance of this moment for the church and thereby to provide an approach to a full response, which will only be achieved by a long, honest dialogue between the rest of the church and African-American Catholics.

Some of you may take exception with some of my remarks. Some of my observations may make some of you uncomfortable. I assure you that I do not intend to make anyone uncomfortable, and I fully welcome any wisdom and truth that I have obviously or even subtly overlooked in this presentation. I will avoid referring to any specific individual out of respect for them and for the integrity of their positions. The issues that have been brought to light this past summer are larger than individuals. For a long time they have touched the hearts and souls of African-American Catholics throughout the United States. Even those of us who may disagree with a specific approach or action resonate with many of the concerns which prompted particular individuals to react in a certain fashion.

Perhaps the sentiment that I have heard most frequently this summer is captured by the observation, "What was done in the celebrations in Washington that is not already being done in many African-American parishes throughout the United States every Sunday?!" The answer is: nothing and everything. Certainly many, if not most, of the ritual elements in those celebrations are found in many of our predominantly African-American parishes. The new element seems to be that the church has been challenged not merely to tolerate such celebrations, not simply to cast a benevolent eye toward such celebrations, not casually to assume that such styles of worship are a result of liturgical diversity, but to acknowledge that these celebrations are an existential manifestation of the presence of African-American people within the church. In a sense, the challenge to the church is to embrace not simply a style of worship, but to endorse positively the culture from which such celebrations emanate.

If it were not clear to me before, it is very clear to me now – and to many others I am sure – that African-American Catholics do not feel that we are in the heart of the Catholic Church in the United States. We know that bishops, priests, religious, lay leaders and organizations have said that we belong in the heart of the church. We know that, on record, the Catholic Church in the United States has made bold

testimony to the church's desire that African-Americans be welcomed into the church. But the breadth and depth of the reactions that I have witnessed this past summer are an unquestionable indication that African-Americans in large number do not yet feel that we truly are in the heart of the Catholic Church.

Perhaps the reactions from two interviewers will illustrate my point. One of them told me that one of his colleagues had made the observation that he did not know that there even were African-American Catholics before this summer's events! I replied that such an observation clearly verified the extent of the problem African-Americans do not enjoy a visibility, a presence, an impact in the Catholic Church. We know that we are only 2 million out of perhaps 53 million Catholics. But, to be invisible to people in the media – who are supposed to be aware of significant issues – implies that the average Catholic is unaffected by our presence. If we are, indeed, in the heart of the church, then one must need a powerful stethoscope to detect the heartbeat of our presence and vitality.

After I advised another interviewer, who happened to have been a very active Catholic lay person, to interview other African-American Catholics beyond the bishops, beyond the local priests or religious, she tellingly replied that she did not know any African-American Catholics. She sheepishly remarked that, perhaps, she represented part of the problem. Despite some progress, African-American Catholics, by and large, still live in isolation from other Catholics. The church, in spite of eloquent statements, has not yet found successful ways of bringing peoples of various ethnic, racial and linguistic groups into true fellowship and charity. Tragically, we are still relative strangers to one another.

I also spoke with countless African-American Catholics in my own diocese, and every one of them, given the chance, had some sad and painful story to share with me about a personal encounter with racism. Some of the experiences were many years old, the perpetrators now long since dead and the moment long past. But racist encounters enjoy a longevity that continues to amaze me. Ask any black Catholic if he or she would like to share a story with you about an experience of racism in the church. And then be prepared to listen and marvel at the level of intensity with which such an episode is recalled.

Some of you might say that we can all recall a painful event from our own lives with an individual or an institution. Who has not experienced injustice, insensitivity, rejection? But African-American Catholics, who live in a society where race has always and still continues to be the issue upon which rest success, acceptance, advancement or understanding, cannot dismiss an encounter of racism in our church as simply "another example" of casual insensitivity. We long to believe that the church is better than society. We harbor a trust that the church is more than a mere human institution, subject to the weaknesses that belong to the human condition.

We realize, of course, that the church is indeed filled with human limitations, but it pains us nonetheless to discover that the church of our faith is so weakened by the same sinfulness that we encounter throughout society. Somehow we still

long for “the more” that the church is called to witness. You may dismiss such feelings but none of you can deny that they still exist in the hearts and spirits of many African-American Catholics. Such feelings need to be healed, for we too are sinful people. This moment in history offers an opportunity for greater healing and reconciliation for the entire church.

The events of this summer are much deeper than liturgical adaptation and accommodation. They represent a level of self-determination and, as such, they directly confront the church, which has the responsibility to authenticate the legitimate liturgical life for all of its people. But such confrontation is neither new nor ultimately unresolvable.

The Second Vatican Council in its inspired documents on the liturgy, the church and the church’s missionary activity firmly established both the church’s responsibility to uphold, regulate and approve our worship life as well as the need to accommodate our liturgy with cultural adaptations from peoples beyond those who had already influenced and shaped our worship. The principles of the Holy See’s and the local bishop’s prerogatives to govern the church’s liturgy and the need to welcome new cultural elements are ancient traditions within the church and have been operative in ecclesiastical history since our foundation. What is significant in the present situation is the approach that has been taken.

The liturgical antecedents of how diverse cultures added to the Roman rite do not provide a workable model on how to accomplish liturgical accommodation today. Historical examples enjoy a cosmetic safety because they are so far removed from us and have centuries of verification to establish the wisdom of the resultant accommodation. Our contemporary world of instant communication and immediate scrutiny makes it difficult to see the similarities between our situation, for example, and those of the Gallican or Germanic encounters with eighth-century Rome. In addition, the church in the United States is quite unique because of its multicultural, multiethnic, multiracial composition. We know that many other ethnic, linguistic and cultural communities are watching this summer’s drama with great interest because of its impact upon their own relationship with the church. We proudly claim the distinctiveness of our originating national, ethnic or racial heritage.

We African-Americans are engaged in this same process, only with a unique approach. Since it is all but impossible for most of us African-Americans to know our exact national or tribal origins, we explore all of the historical, cultural, religious, artistic and political forces that have shaped and been shaped by our presence in this land. It is an exciting moment for us. We are discovering wonderful things about ourselves as well as some mysteries about our development as a people.

As you might imagine, there is not always unanimity in this search and certainly not a predetermined consensus as to where the journey should take us and just who is to be entrusted with the awesome responsibility of evaluation and verification of the elements of our cultural heritage. Nonetheless, I sense a tremendous desire to

pursue this particular moment of our self-determination and self-authentication. And make no mistake about it. the issue of the present moment is more about cultural self-determination and self-authentication than about liturgical variations.

At the same time that we are witnessing a renaissance of interest in the cultural, ethnic, racial and linguistic heritage of all Americans, we are simultaneously rediscovering that culture is not a fossilized entity. Culture is continually being denned and redefined. It is difficult to speak of a particular culture in a static description, for even as it is being described it is also changing. The cultures of the diverse people who constitute the United States of America are all in states of flux. Even within a particular culture, there are diversities and levels of cultural expressions which prevent a single one from being monolithic or uniformly appreciated by all who share the same cultural heritage.

A particular community within the United States might well be simultaneously represented by recent immigrants, first- and second-generation populations, as well as people who have lived in this nation for many generations. Each group embodies the cultural heritage of their originating homeland in different ways. One need only to speak to Americans of Irish, Polish, Italian or German descent to see that there is a variety of ways to view their common cultural heritage, and each of them is legitimate.

It is therefore reasonable to understand that the African-American cultural heritage is equally, if not even more, divergent. The impact of slavery and segregation has indelibly marked our history with a historically unique reference point. But many African-Americans, especially some of those who have immigrated to the United States from places where they were not victims of the American experience of slavery, sometimes find it difficult immediately to grasp the pervasive experience of racism that saturates our nation. Many of these new African-Americans were peoples of political, social and cultural independence long before we African-Americans began our recent struggle for civil rights. Many of them do not speak English as their first language. Many of them are Catholics from birth, rather than converts from the Protestant Christian traditions. This means that they bring other contributions to the cultural treasure of our racial heritage.

Even among African-Americans who are not recent immigrants there is considerable diversity of opinion regarding the question of our cultural heritage. Our community is stratified along educational, economic, regional and other societal lines no less than any other racial or ethnic community. This means that it is just as difficult to speak of uniformity within the African-American community as it is for any other cross section of 30 million people.

However, despite our diversity, there is a growing sense of unanimity that the only ones who can determine exactly what the African-American culture is are African-American peoples ourselves. This spirit of self-authentication may appear arrogant to those who do not understand that it springs from an intense spirit of freedom and self-determination which had been denied to us for almost 300 years.

Jealously and unashamedly, we have seized the challenge and the opportunity to affirm ourselves and exalt our heritage with a resultant impatience with individuals or institutions that curtail, critique or even question either these processes or their tentative conclusions.

Clearly, there are dangers in the present moment. One is the possibility that the process of cultural self-determination and authentication will result in a cultural solipsism, the unfortunate situation where a culture cannot benefit from the legitimate and healthy exchange between itself and other cultures. If every external observation is labeled as racist, manipulative, foreign and therefore harmful, then how does the culture re-establish a dialogue with the world outside itself? Many African-Americans would be quick to say that our problem is not re-establishing a dialogue with those outside our culture, but rather the limitation of such external critique. And there is truth in that, to be sure. However, a radical self-authentication does have an isolating impact and ultimately makes dialogue, if not impossible, then strained at best.

A second danger is establishing an internal honest critique. How do people within a culture express diversity without being accused of being divisive? How do variant opinions, attitudes and reactions express themselves in the moment of such energized self-determination? Liturgically speaking, how do African-American Catholics who do not wish to worship in expressive and enthusiastic ways, as are suggested in the current moment, make their opinions known and respected? While the present rhetoric gives a gentle nod to the variety that exists within the African-American Catholic community, the gesture may sometimes resemble the benevolent neglect so heatedly rejected as an unacceptable response on the part of the wider church to African-American Catholic liturgical accommodations.

The church has engaged a variety of cultures during its almost 2,000-year history. Not every encounter has been pleasant for the church or for these cultures. The Catholic Church in the United States is facing a complex moment in its history. We are part of a universal church, but we derive from many different cultures. Many of them have enjoyed a long and fruitful relationship with the church. It is fairly easy to think of the Catholic Church within the Irish. Polish. Italian. French. Slovak or Portuguese cultural traditions. Each of these ethnic groups encountered Catholicism many centuries ago and are now viewed as naturally and traditionally Catholic. Nonetheless, any reputable historian can easily recall the moments when the church was introduced into these cultures, frequently with considerable conflict. The Hispanic, Caribbean and Asian experiences of Catholicism are also ancient, but because these groups are among the more recent arrivals to the United States their expressions of Catholicism are sometimes considered unusual here.

We bishops are entrusted with pastoring all of these various communities. While I cannot speak for all of the bishops in this country, I certainly speak for some, and perhaps a great many, who would admit that we have not always fulfilled our responsibilities with the level of success that we would have liked.

However, in listening to the demands of the moment, we bishops must also consider the impact that such a dialogue will have upon the wider church. We do not wish to add to the fragmentation that is already a tragic dimension of ecclesial life. We need your prayers that we serve as wise and prudent pastors for the entire church.

At the same time, African-Americans also have a long history within the church, but not as well known as our presence in other Christian traditions. Racism and benign neglect have masked our presence from the attention of other Catholics. At this moment in our history, African-Americans have begun to insist that we need and deserve to be noticed, that our contributions to the church need and deserve to be recognized, that our particular expression of Catholicism needs and deserves to be respected and accepted by the whole church. This insistence has brought us to the events of this past decade. And the liturgy has been the arena in which much of the controversy and conflict have been expressed.

Over the past two decades, the African-American Catholic community has been developing an expression of Catholic worship that reflects our own unique African-American heritage. Because we live in a nation of diverse cultures, ethnic traditions and languages, and because most of these other groups are currently exploring their own cultural heritages and allowing their diverse traditions to influence their liturgies, it should not seem unusual for us to do so also. Precisely because it has involved African-Americans, it has not been taken very seriously by very many people.

But all that has changed with the events of the past several weeks. The issues of culture and worship have assumed a surprising seriousness. We are at a painful, but also a potentially fruitful, moment in the history of the Catholic Church in the United States. I urge everyone to take this moment very seriously. We African-Americans have grown politically astute enough to recognize immediately a manipulative tactic that seeks to use the actual and presumed diversities within our community as a stalling mechanism or to cast an issue as so complex as to render inactivity or silence as the only reasonable response. The present concerns are serious for the church since they call into public scrutiny the magisterium's responsibility to determine which worship traditions are to enjoy the title *Catholic* and to preserve the unity of the church in its faith, governance and sacramental life. The stakes are very high, indeed, for all concerned.

The events of this summer have followed a time-tested pattern modeled upon political confrontation. This strategy is classic for African-Americans who have used it so successfully during the past generation to promote our civil rights in the political, economic, educational and civic arenas. The media has followed this summer's events, reporting them as they would report a labor strike, the activities of a smoke-filled back room at a political convention or the development of circumstances at a highly controversial public trial which disrupts the ordinary civic life of a community. Such strategy has proven itself highly successful, especially during the 1950s and 1960s as African-Americans were changing the face of U.S.

society.

But Catholics are unaccustomed to thinking of themselves as simply another public institution. And we are not simply another such institution. But the perception of many is that this is exactly what we are. And so the media have relentlessly covered the drama of this summer. Many of us have been chagrined that a fuller and more complete understanding of the church has not been reported. We have not heard or read of the church described as the mysterious unfolding of God's reign or as a *communio* or even as the sacrament of Jesus Christ. The coverage has portrayed the church simply as a large international institution, a human corporation, a social structure, a political force. And this has added to the confusion. We have not been able successfully or convincingly to introduce any of the dogmatic and doctrinal expressions of the church into the public arena. Be that as it may, our response to the present issues must be cast within a contextual understanding of the church which includes its faith dimension. The church cannot be unconcerned about its public image, but neither can we respond to this specific concern simply according to the limitations of the categories imposed upon us in the public forum.

Have you ever stopped to consider why the liturgy, perhaps more than any other church activity, evokes such a passionate response among people? Church historians, by comparison, live rather tranquil lives despite the drama of ecclesiastical history. Scripture scholars may squabble among themselves over exegetical matters, but for the most part they are left to their own paradigms and hermeneutics. Canon lawyers examine the legal concerns of the church without arousing much public criticism. Perhaps with the exception of moral theologians, liturgists seem to be engaged in public controversy more than any single group of church scholars or professionals.

What makes liturgy such a lightning rod for public opinion? I propose it is attributable to liturgy's unique relationship to the church. In fact, liturgy expresses the church's very nature and mission in observable symbolic action. When we touch those symbols, we run the risk of disturbing people's understanding of the church and of their relationship to it. The liturgy brings people into contact with the Holy, with God, with the transcendent, with the longings of their hearts which, as St. Augustine wrote, "were made for God and will not rest until they rest in God." The liturgy therefore serves as an easy release for pent-up feelings and thoughts, positive as well as negative.

People use the liturgy as the occasion to comment about many different matters regarding the church. The liturgy may become the occasion and the reason to encounter the church in a direct manner regarding an intangible or even unarticulated issue. Some will use one dimension of the liturgy to commend or condemn the church for what may be a much deeper reality.

For example, music and singing are frequently singled out for commendation or condemnation because people prefer one style of music over another, or more or less congregational singing, or a particular cantor or choir. I have heard it

alleged that a person's entire experience at Mass was "ruined" – or "confirmed" – because of an appreciation or lack thereof for the music. A parish with a great music program will attract some people even as it repels others. One part of the liturgy can carry a disproportionate weight in relationship to the entire liturgical celebration. The same can be said about the use of ministers, the ordinary duration of the Eucharist, liturgical environment, presiders or the use or the neglect of a whole array of ritual gestures, sounds or liturgical options.

All, a few or every one of these issues can elicit great delight or painful confrontation. And just what is there about these elements, which most of us, presuming we are in a reasonable frame of mind, would declare absolutely essential to the constitutive nature of what it means to worship God as a family of believers according to the mind and heart of Jesus Christ? I would venture that, when these elements are used (or not used) in liturgy, they speak deeply to people about their relationship to God in the church. Liturgy reflects the church as a mirror reflects the human face. Mirrors can distort, they are limited. Mirrors can reflect only a single dimension. Mirrors cannot see beyond what is physically available to the naked eye. Yet, without them we would be quite lost.

Christian worship becomes the opportunity for people to see the church's reflection. So they may choose to criticize what they see. Everyone is invited to look into the mirror and see a church which is supposed to image Jesus Christ. The liturgy becomes the occasion when people glimpse at the public image of the church and their relationship to the image of Christ in the church.

Because the liturgy is always a single dimension of the always richer reality of the church, people occasionally focus on individual elements within the liturgy and make them more significant than they might actually be. We liturgists have at times been guilty of this ourselves. We have highlighted, at different moments, music, environment, ministries, homily, prayer texts, movements or any number of other concerns. In reality, the liturgy is greater than any of these significant elements. It is good for us to recall this even as we find ourselves criticized for our specific concerns or interests.

Pope John Paul II, in his apostolic letter on the occasion of the 25th anniversary of the promulgation of the conciliar constitution *Sacrosanctum Concilium*, highlights the principles of that foundational document, and these same principles have great wisdom to offer us at this particular juncture in the history of the church in the United States.

The first principle he cites (Art. 6) is that the liturgy is ultimately the celebration of the triumph of Jesus' paschal mystery. The liturgy is the reenactment of the salvific triumph of Jesus Christ through the ritual usage of word and sign. The words and the signs are indispensable, but they are of infinitely lesser significance than is the person of Jesus Christ. The emphasis on cultural accommodation is unquestionably a monumental concern for the universal church and a pressing issue for us in the United States. But the liturgy is not celebrated for the aggrandizement of any specific culture. No culture, even with all of its

beauty and God-given grandeur, is itself the object of worship.

Because we are a community of human beings who believe that Jesus Christ has entrusted to the church the care and perpetuation of this sacred representation of his paschal victory, we take a passionate interest in how that institution, even under the Spirit's guidance, is exercising its responsibilities. Symbols touch the human person in the most intimate ways. And symbols which serve the liturgy as keys for the dialogue between humanity and divinity are perhaps even more precious. But the symbols are only keys to the treasury of the sacred. Water, oil, bread, wine are not ends in themselves. Jesus is more than the sum of all of the symbols that the church uses to make him present.

The fathers of the Second Vatican Council gathered together in the power of the Holy Spirit and with the full authority and approbation of the supreme pontiff, declared that "in the reform and promotion of the liturgy, this full and active participation by all the people is the aim to be considered before all else." (*Sacrosanctum Concilium*, 14). This meant that some of those elements in the liturgy which evoke such passionate response would necessarily be changed, altered, perhaps eliminated. And passions would flare. But so too would a greater appreciation of and participation in the liturgy on the part of those who use those same elements to encounter the Lord Jesus as he reveals himself to the church in each age and in every culture.

My point is that the reform of the liturgy was intended to help people better to appreciate the use of the liturgical symbols as they manifest, reveal and yet continue to respect the mysterious presence and power of Christ Jesus. Liturgy does not simply use symbols to annoy. Liturgy does not arbitrarily select symbols. Liturgy does not use symbols that are perfectly transparent and revealing for the person of Christ; what they reveal still eludes the human intellect and capacity to understand. But through the prudential selection, careful employment and generous usage of symbols, people from every age and culture and language can glimpse the presence, feel the merciful touch and hear the tender voice of Jesus Christ. These encounters are always less than perfectly satisfying because the fullness of Christ cannot be contained under symbols that admit human limitations.

Therefore, when people express their disappointment with a symbol, its usage, its frequency, its power, it may well indicate that the particular symbol does not succeed in accomplishing its proper function for them, that it does not mediate the presence and power of Jesus Christ's paschal triumph. The point of controversy is obviously in deciding which symbols are of divine origin and therefore belong to the church's unchangeable tradition, and which are open to change. The church's pastors have the final responsibility to make such a decision. But they do so in dialogue with people from various cultures so that the decision is shaped by fidelity, charity and wisdom. This dialogue will be at the heart of the resolution of this specific controversy.

I have taken great care to emphasize continually the significance of symbols as mediators of Christ's presence and power since the liturgy uses them specifically

in this regard. Because they are multivalent, they may also be personally satisfactory or uplifting. The symbols (hat the church uses, however, must first be judged according to the fundamental purpose for which the church uses them: the manifestation of Christ Jesus. However, symbols are related to culture insofar as the level of their meanings and significance are culturally conditioned. So the church must be very sensitive to the significance that symbols have within a given culture and for a specific people.

When speaking about the task of adaptation, Pope John Paul writes: "There remains the considerable task of continuing to implant the liturgy in certain cultures, welcoming from them those expressions which are compatible with aspects of the true and authentic spirit of the liturgy, in respect for the substantial unity of the Roman rite" (Art. 16). Therefore when the issue of establishing a new rite is raised, it must be done with an awareness that the church has not abandoned the unifying expression of the Roman rite, which serves as the trunk of a great tree from which sprout branches and leaves of great variety and beauty. Yet all of them draw nourishment from the Roman rite. We must assess the values, the advantages, the desirability of a specific rite for African-American Catholics.

Such a discussion must take into account that the Roman rite holds a unique position within the Western church because that rite expresses a unity and an adaptability which the church both cherishes and highly esteems. Nonetheless, we need to review the issue of a specific rite for African-American Catholics. In such a discussion, the church can come to understand more clearly the nature of the present frustration for many African-American Catholics. Moreover, we African-Americans may better appreciate how the church understands the reality of a rite and the privileged position which the Roman rite holds as one which is preeminently suitable for cultural adaptation and accommodation. The elasticity and adaptability of the Roman rite is not something new. It was not imposed by a decree of the Second Vatican Council. It is a demonstrable historical fact which has proven its usefulness at other moments when the church encountered new cultures.

If nothing else results from today's concerns, the church will have a new and important example of how we must live in the world in a dialogue which is animated by faith, hope and love. This summer, we look another step toward being the church which always prides itself in being faithful to its yesterday and yet open to its tomorrow.

Bishop Wilton Gregory. 7 September 1989, address to participants in Detroit's 1989 Liturgical Conference, *Origins* 19 (1989): 225, 227-231.

Statement on Father Stallings' excommunication, February 5, 1990:

In recent days, Father Stallings has announced publicly his formal and complete break with the Roman Catholic Church. The announcement that he is establishing

the African-American “Catholic” Congregation – independent from Rome – has appeared in the news media. He has renounced his union not only with his local bishop but also with the Holy Father.

Father Stallings has rejected a number of church teachings. For example, his reported views on abortion and sexual morality are a tragic departure from the church’s vision of the value of human life, the dignity of the human person and our calling to live as the Lord’s disciples.

The church is the body of Christ. It is a worldwide family of faith and love, united under the Holy Father with its authority from Jesus Christ. The bishops and the Holy Father are the successors to the apostles to whom Jesus entrusted his saving message. To them the Lord says, “He who hears you, hears me!” (Lk. 10:16). By his public declaration that he has separated himself from the church and by his renunciation of church teaching, Father Stallings has excommunicated himself. That is what church law means when it speaks of “automatic excommunication.”

Any Catholic who would knowingly and willingly renounce his or her Catholic faith to become a full and active member of Father Stallings’ congregation would also incur automatic excommunication. Any priest with the faculties of the archdiocese is delegated to remove this censure from the laity through the sacrament of penance. Everyone should maintain the fervent hope that such individuals would seek reconciliation with the church which is the body of Christ.

Let us pray that Father Stallings will end his separation and return to the full unity of the church.

William Kane. Vicar General, Archdiocese of Washington, 5 February 1990. statement on Father Stallings’ excommunication. *Origins* 20 (1990): 612.

CANON 1374

Masonry:

Pastoral Research and Practices Committee. 19 April 1985, report to NCCB. *Origins* 15 (1985) 83-84.

William J. Whalen. 19 April 1985. background report for Pastoral Research and Practices Committee, *Origins* 15 (1985): 84-92.

CANON 1382

Excommunication of Archbishop Marcel Lefebvre, April to July 1988. Private

Letter of Pope John Paul II to Cardinal Ratzinger. April 8, 1988:

In this liturgical period, when we have relived through the Holy Week

celebration the events of Easter, Christ's words by which He promised the Apostles the coming of the Holy Spirit take on for us a special relevance: "And I will pray the Father, and He will give you another Counselor, to be with you for ever, even the Spirit of truth ... whom the Father will send in my name, he will teach you all things, and bring to your remembrance all that I have said to you." (Jn 14:16-17, 26)

The Church at all times has been guided by faith in these words of her Teacher and Lord, in the certainty that thanks to the help and assistance of the Holy Spirit she will remain for ever in the divine Truth, preserving the apostolic succession through the College of Bishops united with their Head, the Successor of Peter.

The Church manifested this conviction of faith also at the last Council, which met to reconfirm and reinforce the teaching of the Church inherited from the Tradition already existing for almost twenty centuries, as a living reality which progresses vis-a-vis the problems and needs of every age and deepens our understanding of what is already contained in the faith transmitted once and for all (cf. Jude 3). We are profoundly convinced that the Spirit of truth who speaks to the Church (cf. Rev 2:7,11,17 and others) has spoken – in a particularly solemn and authoritative manner – through the Second Vatican Council, preparing the Church to enter the third Millennium after Christ. Given that the work of the Council taken as a whole constitutes a reconfirmation of the same truth lived by the Church from the beginning, it is likewise a "renewal" of that truth (an *aggiornamento* according to the well-known expression of Pope John XXIII), in order to bring closer to the great human family in the modern world both the way of teaching faith and morals and also the whole apostolic and pastoral work of the Church. And it is obvious how diversified and indeed divided this world is.

Through the doctrinal and pastoral service of the whole College of Bishops in union with the Pope, the Church took up the tasks connected with the implementation of everything which became the specific heritage of Vatican II. The meetings of the Synod of Bishops are one of the ways in which this collegial solicitude finds expression. In this context the Extraordinary Assembly of the Synod in 1985, held on the twentieth anniversary of the end of the Council, deserves special mention. It emphasized the most important tasks connected with the implementation of Vatican II. and it stated that the teaching of that Council remains the path which the Church must take into the future, entrusting her efforts to the Spirit of truth. In reference to these efforts, particular relevance attaches to the duties of the Holy See on behalf of the universal Church, both through the *ministerium petrinum* of the Bishop of Rome and also through the departments of the Roman Curia which he makes use of for the carrying out of his universal ministry. Among the latter, the Congregation for the Doctrine of the Faith led by Your Eminence is of particularly special importance.

In the period since the Council we are witnessing a great effort on the part of the Church to ensure that this *novum* constituted by Vatican II correctly penetrates the mind and conduct of the individual communities of the People of God.

However, side by side with this effort there have appeared tendencies which create a certain difficulty in putting the Council into practice. One of these tendencies is characterized by a desire for changes which are not always in harmony with the teaching and spirit of Vatican II. even though they seek to appeal to the Council. These changes claim to express progress, and so this tendency is given the name "progressivism." In this case progress consists in an aspiration towards the future which breaks with the past, without taking into account the function of tradition, which is fundamental to the Church's mission in order that she may continue in the truth which was transmitted to her by Christ the Lord and by the apostles and which is diligently safeguarded by the magisterium.

The opposite tendency, which is usually called "conservatism" or "integralism," stops at the past itself, without taking into account the correct aspiration towards the future which manifested itself precisely in the work of Vatican II. While the former tendency seems to recognize the correctness of what is new, the latter sees correctness only in what is "ancient," considering it synonymous with tradition. But it is not what is "ancient" as such, or what is "new" per se. which corresponds to the correct idea of tradition in the life of the Church. Rather, that idea means the Church's remaining faithful to the truth received from God throughout the changing circumstances of history. The Church, like that householder in the Gospel, wisely brings "from the storeroom both the new and the old" (Mt 13:52). while remaining absolutely obedient to the Spirit of truth whom Christ has given to the Church as her divine Guide. And the Church performs this delicate task of discernment through her authentic magisterium (cf. *Lumen gentium*, 25).

The position taken up by individuals, groups or circles connected with one or the other tendency is to a certain extent understandable, especially after an event as important in the history of the Church as the last Council. If on the one hand that event unleashed an aspiration for renewal (this also contains an element of "novelty"), on the other hand certain abuses in the realization of this aspiration, in so far as they forget essential values of Catholic doctrine on faith and morals and in other areas of ecclesial life, for example in that of the liturgy, can and indeed must cause justified objection. Nevertheless, if by reason of these excesses every healthy kind of "renewal" conforming to the teaching and spirit of the council is rejected, such an attitude can lead to another deviation which itself is in opposition to the principle of the living Tradition of the Church obedient to the Spirit of truth.

The duties which in this concrete situation face the Apostolic See require a particular perspicacity, prudence and farsightedness. The need to distinguish what authentically "builds up" the Church from what destroys her is becoming in the present period a particular demand of our service to the whole community of believers.

The Congregation for the Doctrine of the Faith is of key importance in the context of this ministry, as is shown by the documents which your Department has published in this mailer of faith and morals during the last few years. Among the subjects which the Congregation for the Doctrine of the Faith has recently had to

concern itself with there also figure the problems connected with the “Fraternity of Pius X,” founded and led by Archbishop Marcel Lefebvre.

Your Eminence knows very well how many efforts have been made by the Apostolic See since the beginning of the existence of the fraternity, in order to ensure ecclesial unity in relation to its activity. The latest such effort has been the canonical visit made by Cardinal Edouard Gagnon. Your Eminence is concerned with this case in a special way, as was your predecessor of venerable memory, Cardinal Franjo Seper. Everything done by the Apostolic See, which is in continual contact with the bishops and episcopal conferences concerned, has the same purpose: that in this case too there may be fulfilled the words of the Lord in his priestly prayer for the unity of all his disciples and followers. All the bishops of the Catholic Church, inasmuch as by the divine command they are solicitous for the unity of the universal Church, are bound to collaborate with the Apostolic See for the welfare of the whole mystical body, which is also the body of the churches (cf. *Lumen gentium*, 23).

For all these reasons I would assure Your Eminence once more of my desire that these efforts should continue. We do not cease to hope that – under the protection of the Mother of the Church – they will bear fruit for the glory of God and the salvation of men.

From the Vatican, on April 8 in the year 1988, the tenth year of my pontificate.

John Paul II, 8 April 1988. letter to Cardinal Ratzinger, *TPS* 33 (1988): 197-200; *Origins* 17 (1988): 803-804.

Cardinal Joseph Ratzinger and Archbishop Marcel Lefebvre, May 5, 1988, protocol:

I. Text of the Doctrinal Declaration

I, Marcel Lefebvre, archbishop-bishop emeritus of Tulle, along with the members of the Priestly Society of St. Pius X, which I founded:

1. We promise always to be faithful to the Catholic Church and to the Roman pontiff, its supreme pastor, the vicar of Christ, successor of blessed Peter in his primacy and head of the body of bishops.

2. We declare that we will accept the doctrine contained in No. 25 of the Second Vatican Council’s dogmatic constitution *Lumen gentium* on the ecclesiastical magisterium and the adherence owed it.

3. Regarding certain points taught by the Second Vatican Council or concerning subsequent reforms of the liturgy and law which appear difficult to reconcile with tradition, we commit ourselves to a positive attitude of study and of communication with the Apostolic See, avoiding all polemics.

4. We declare moreover that we will recognize the validity of the sacrifice of

the Mass and of the sacraments celebrated with the intention of doing what the church does and according to the rules in the typical editions of the missal and rituals of the sacraments promulgated by Popes Paul VI and John Paul II.

5. Last, we promise to respect the common discipline of the church and the ecclesiastical laws, particularly those contained in the *Code of Canon Law* promulgated by Pope John Paul II, except for the special discipline conceded to the fraternity by particular law.

II. Juridical Questions

Taking into consideration the fact that the Priestly Society of St. Pius X has been formed for 18 years as a society of common life – and based on a study of suggestions by Archbishop Lefebvre and the conclusions of the visit made by His Eminence Cardinal Gagnon – the most suitable canonical model is that of a society of apostolic life.

1. Society of Apostolic Life

It is a canonically possible solution, with the advantage of the possibility of bringing laity into the clerical society of apostolic life (for example, coadjutor brothers).

According to the *Code of Canon Law* promulgated in 1983, canons 731-746, this society has full autonomy, can form its members, can incardinate priests and assures the common life of all its members.

In its own statutes, with flexibility and creative possibility in light of the known models of these societies of apostolic life, one anticipates a certain exemption in regard to diocesan bishops (cf. c. 591) in what concerns public worship, the *cura animarum* and other apostolic activities, taking into consideration canons 679-683. As for jurisdiction regarding the faithful who seek out the priests of the society, it will be conferred on them by the local ordinaries or by the Apostolic See.

2. Roman Commission

A commission to coordinate relations among the diverse dicasteries and the diocesan bishops as well as to resolve eventual problems and contentions will be established by the Holy See and given the necessary faculties to treat the above-indicated questions (for example, the establishment at the request of the faithful of a place of worship in a place where there is no house of the society, *ad mentem*, c. 383, §2).

This commission will be composed of a president, a vice president and five members, two from the society.

3. Condition of People Linked to the Society

3.1. The members of the clerical society of apostolic life (priests and coadjutor lay brothers): They are governed by the statutes of the society of pontifical right.

3.2. Men and women oblales, with or without private vows, and members of the Third Order linked to the society: They belong to an association of the faithful linked to the society in terms of canon 303, and they collaborate with it.

3.3. The sisters (that is, the congregation founded by Archbishop Lefebvre) who make public vows: They will constitute a true institute of consecrated life, with its own structure and autonomy, even if one foresees a certain link for the unity of spirituality with the superior of the society. This congregation - at least at the beginning - will be responsible to the Roman commission instead of the Congregation for Religious.

3.4. Members of communities living by the rule of diverse religious institutes (Carmelites, Benedictines, Dominicans, etc.) and morally linked with the society: It is fitting to accord them, case by case, a particular status regulating their relations with their respective order.

3.5. Priests who as individuals are morally linked with the fraternity will receive a personal status, taking into account their aspirations and, at the same time, the obligations resulting from their incardination. Other particular cases of this kind will be examined and resolved by the Roman commission.

In what concerns lay people who seek the pastoral help of the society's communities: They remain under the jurisdiction of the diocesan bishops but - notably for the liturgical rites of the society's communities - can look to these communities for the administration of the sacraments (for the sacraments of baptism, confirmation and marriage, notification of their own parish remains necessary; cc. 878, 896, 1122).

Note: There is reason to consider the particular complexity:

1. Of the question of the reception by the laity of the sacraments of baptism, confirmation, marriage, in the communities of the society.

2. Of the question of communities practicing - without being connected to them - the rule of this or that religious institute.

It is for the Roman commission to resolve these problems.

4. Ordinations

For ordinations, it is necessary to distinguish two phases:

4.1. Immediately: For the ordinations planned shortly, Archbishop Lefebvre

would be authorized to confer them or, if he couldn't, another bishop agreed to by him.

4.2. Once established, the society of apostolic life:

4.2.1. When possible, in the judgment of the superior general, follows the normal procedure: remitting the dimissorial letters to a bishop who agrees to ordain members of the society.

4.2.2. Because of the particular situation of the fraternity (cf. *infra*): ordination by a bishop of the society who, among other tasks, would have that of proceeding with ordinations.

5. *Problem of a Bishop*

5.1. At the doctrinal level (ecclesiological), the guarantee of stability and maintenance of the life and activity of the society is assured by its erection as a society of apostolic life of pontifical right and approval of its statutes by the Holy Father.

5.2. But for practical and psychological reasons, the consecration of a bishop member of the society appears useful. This is why, in the context of the doctrinal and canonical solution of the reconciliation, we will suggest to the Holy Father that he name a bishop chosen in the society, proposed by Archbishop Lefebvre. As a consequence of the principle indicated above (5.1), this bishop is not normally superior general of the society. But it would be good that he be a member of the Roman commission.

6. *Particular Problems to Resolve by Decree or Declaration*

- Lifting the *suspensio a divinis* of Archbishop Lefebvre and dispensing the irregularities incurred through ordinations.

- Anticipation of an "amnesty" and an agreement for the society's houses and places of worship erected or used – until now without authorization by bishops.

Cardinal Joseph Ratzinger and Archbishop Marcel Lefebvre. 5 May 1988, protocol. *Origins* 18 (1988): 211-212.

Chronology of Communication between Pope John Paul II and Archbishop Marcel Lefebvre, June 16, 1988:

His Excellency Archbishop Marcel Lefebvre, founder of the Society of St. Pius X, made public June 15, 1988, his decision to proceed June 30 with the ordination of four bishops chosen by himself, without the necessary pontifical mandate.

Having learned with profound sorrow this act of a schismatic nature, the Holy See considers it necessary to provide the following information for the benefit of the bishops and their faithful:

I. Following Cardinal Gagnon's apostolic visit to the Society of St. Pius X (November-December 1987), the Holy Father, in his letter of April 8, 1988, to Cardinal Ratzinger, prefect of the Congregation for the Doctrine of the Faith, clearly expressed his desire that everything possible be done to respond to the willingness that Archbishop Lefebvre apparently has shown to reach a solution which would allow the society to obtain a regular position in the Church in full communion with the Apostolic See. Meetings between theological and canonical experts of the congregation and of the society were held April 12-15, 1988, for this purpose. The satisfactory progress of these talks permitted arranging a further meeting May 4, with the participation of Cardinal Ratzinger and Archbishop Lefebvre themselves. At the end of this meeting a protocol was drawn up and signed by both participants May 5. This document, drawn up in joint agreement and meant to be used as a basis for reconciliation, was then to be submitted to the Supreme Pontiff for examination and final decision.

2. The protocol of May 5, 1988, comprised a declaration of a doctrinal nature and a plan for a juridical arrangement as well as measures for regulating the canonical situation of the society and of those attached to it.

In the first part of the text, Archbishop Lefebvre declared *in his own name and in that of the Priestly Society of St. Pius X* that he would:

- 1) Promise fidelity to the Catholic Church and to the Roman Pontiff, head of the body of bishops.
- 2) Accept the doctrine contained in No. 25 of the dogmatic constitution *Lumen gentium* on the ecclesiastical magisterium and the assent due to it.
- 3) Commit himself to an attitude of study and communication with the Apostolic See, avoiding all controversy regarding points taught by Vatican II or later reforms which seemed difficult for them to reconcile with tradition.
- 4) Recognize the validity of the Mass and of the sacraments celebrated with the required intention and according to the rites of the typical editions promulgated by Paul VI and by John Paul II.
- 5) Promise to respect the common discipline of the Church and the ecclesiastical laws, especially those contained in the 1983 *Code of Canon Law*, without prejudice to the special discipline accorded to the society by particular law.

In the second part of the text, besides the canonical reconciliation of persons, the following measures were taken:

- 1) The Priestly Society of St. Pius X would be constructed as a society of apostolic life of pontifical right with appropriate statutes in accordance with canons 731-746, and also endowed with a certain

exemption regarding public worship, care of souls and apostolic activities, bearing in mind canons 679-683.

2) The society would be granted access to liturgical books in use before the post-conciliar reform.

3) In order to coordinate relations with the various departments of the Roman Curia and the diocesan bishops, and also to resolve possible problems and disputes, the Holy Father would set up a Roman commission including two members of the society and provided with the necessary faculties.

4) Finally, taking into account the particular situation of the society, it was suggested to the Holy Father that a bishop be nominated from among its members, who normally should not be the superior general.

3. However, on May 6, Archbishop Lefebvre wrote to Cardinal Ratzinger and, without taking into account the free power of the Pope recognized in the protocol, insisted that the episcopal ordination of a member of the society take place June 30. He added that if the reply were negative he would consider himself bound in conscience to proceed with the consecration. Cardinal Ratzinger replied to him immediately, asking him to reconsider his proposal, which was contrary to the protocol signed the day before.

4. Finally, the two prelates met for the second time in Rome on Tuesday, May 24. At this meeting Cardinal Ratzinger communicated to Archbishop Lefebvre that the Holy Father was disposed to nominate, according to the criteria and customary procedure of the Church, a bishop chosen from within the society and to make it possible for his ordination to take place August 15, 1988, for the closing of the Marian year, but on the condition that the founder of the society put forward to him a request for reconciliation on the basis of the protocol already signed, and that he submit himself to the Pope's decision as far as the ordination of a bishop was concerned. For his part, Archbishop Lefebvre presented two letters, addressed respectively to the Holy Father and to Cardinal Ratzinger, in which he insisted on the date of June 30 and again proposed his previous request to nominate three bishops to guarantee the life and activities of the society. Moreover, he also requested that the society be granted the majority of members in the future Roman commission. At this point it was decided on both sides to have a pause for reflection.

In accordance with instructions of the Holy Father, Cardinal Ratzinger replied to Archbishop Lefebvre on May 30. In this letter he pointed out: a) that for the Roman commission, an administrative body of the Holy See at the service of the society and of a consultative nature, the question of a majority did not arise since, in point of fact, the final decisions belonged to the supreme pontiff, and that one should abide by the principles laid down in the protocol of May 5; b) that for the ordination of a bishop, Archbishop Lefebvre should renounce the consecration of one on June 30, "with or without the agreement of Rome," and that he submit in

complete obedience to the decision of the Holy Father, whose availability was moreover already known to him.

On June 2, Archbishop Marcel Lefebvre sent the following letter to the Holy Father:

In effect, the conversations and meetings with Cardinal Ratzinger and his collaborators, although they took place in an atmosphere of courtesy and charily have convinced us that the moment for frank and effective collaboration has not yet arrived.

If each Christian is authorized has the right to ask the competent ecclesiastical authorities that his baptismal faith be safeguarded, what is to be said to guard the faith in which he was baptized, what about priests and men and women religious?

It is to preserve intact the faith of our baptism that we have deemed it our duty to oppose the spirit of Vatican II and the reforms inspired by it.

That false ecumenism, which is at the origin of all the Council's innovations in the liturgy in the new relations of the Church and the world, in the concept of the Church itself is leading the Church to ruin and Catholics to apostasy.

Radically opposed to this destruction of our faith and resolved to remain in the traditional doctrine and discipline of the Church, especially, in what concerns priestly formation and religious life, we feel it is absolutely necessary to have ecclesiastical authorities who share our concerns and help to protect us against the spirit of Vatican II and the spirit of Assisi.

That is why we are asking for several bishops, chosen in the tradition, and a majority of its members in the Roman commission, in order to protect us from all compromise.

Since our requests have been refused consideration, and since it is evident that the purpose of this reconciliation is not at all the same for the Holy See as it is for us, we believe it preferable to await a more propitious moment for Rome's return to tradition.

That is why we ourselves will provide the means to continue the work that Providence has entrusted to us, assured by the letter of His Eminence Cardinal Ratzinger of May 30; that the episcopal consecration is not contrary to the will of the Holy See, since it has agreed for August 15.

We shall continue to pray that the Rome of today, infested by modernism, will again become Catholic Rome and rediscover its bimillenary tradition. Then the problem of reconciliation will no longer exist and the Church will find again anew youth.

Deign to accept, Most Holy Father, my sentiments of deep respect and filial devotion in Jesus and Mary.

It is necessary, in regard to this letter, to point out that the arguments used by Archbishop Lefebvre are absolutely groundless where, in opposition to what was

accepted in the protocol note of May 5, he resumes his radical polemic against Vatican II. and asserts that the episcopal ordination would not be contrary to the will of the Holy See. In regard to the latter, it is evident – as is clear from the protocol – that the proposed episcopal ordination should not take place until after the formal act of reconciliation and within the framework of an overall canonical solution, and that the choice of a candidate and his nomination are reserved to the free decision of the Supreme Pontiff. Taking this into account, the date of August 15 was indicated. Now, since Archbishop Lefebvre's letter expressly interrupts the process of reconciliation, it is clear that an episcopal ordination carried out by him would be contrary to the will of the Holy See.

On June 9, 1988, the Holy Father sent the following letter to Archbishop Lefebvre:

It is with intense and profound affliction that I take note of your letter of June 2.

Guided only by my concern for the unity of the Church in fidelity to revealed truth an imperative duty imposed on the successor of the Apostle Peter – last year I had arranged an apostolic visit to the Society of St. Pius X and its works, which was carried out by Cardinal Edouard Gagnon. Conversations followed. First with the experts of the Congregation for the Doctrine of the Faith, then between yourself and Cardinal Joseph Ratzinger. In the course of these meetings, solutions had been drawn up, accepted and signed by you on May 5, 1988. These permitted the Society of St. Pius X to exist and work within the Church in full communion with the Sovereign Pontiff, the guardian of unity in the truth. For its part, the Apostolic See only had one aim in these discussions pursued with you: to promote and safeguard this unity in obedience to divine Revelation, translated and interpreted by the Church's magisterium, notably in the twenty-one ecumenical councils from Nicea to Vatican II.

In the letter you sent me you appear to reject all that was agreed on in the previous conversations, since you clearly manifest your intention to “provide the means yourself to continue your work,” particularly by proceeding shortly and without apostolic mandate with one or several episcopal ordinations, and this in flagrant contradiction not only with the norms of canon law, but also with the protocol signed May 5 and the directions relevant to this problem contained in the letter Cardinal Ratzinger wrote to you May 30 on my instruction.

With a paternal heart, but with all the gravity required by the present circumstances, I exhort you, revered brother, not to embark upon a course which, if persisted in, cannot but appear as a schismatic act, whose inevitable theological and canonical consequences are known to you. I earnestly invite you to return, in humility, to full obedience to the vicar of Christ.

Not only do I invite you to do so, but I ask it of you through the wounds of Christ our Redeemer, in the name of Christ, who on the eve of His Passion prayed for all His disciples, “that they all may be one” (Jn 17:2).

To this request and to this invitation I unite my daily prayer to Mary, Mother of Christ.

Dear brother, do not permit the year dedicated in a special way to the Mother of God should bring another wound to her mother's heart!

In conclusion, it is not superfluous to emphasize that at all stages of the process described above, the Supreme Pontiff has been constantly kept *au courant*, and he himself has given the fundamental directions of the position of the Apostolic See. Moreover, and always on the Pope's orders, the cardinal heads of departments and the presidents of the episcopal conferences more closely interested in the problem of reconciliation of the Society of St. Pius X have been informed in a detailed manner by the cardinal prefect of the Congregation for the Doctrine of the Faith.

In the event that Archbishop Lefebvre should in fact proceed with the previously announced episcopal ordinations, thereby sealing the rupture with the Apostolic See, it would be followed by grave canonical consequences in regard to which a "monitum" has been sent to those concerned as provided for in ecclesiastical legislation.

In presenting this informative note, the Holy See is also concerned to convey an urgent appeal to the members of the society and to the faithful connected with it, that they should again think over their position and decide to remain united to the vicar of Christ, assuring them that all means will be taken to guarantee their identity in full communion with the Catholic Church.

Holy See. 16 June 1988, chronology of communication between Pope John Paul II and Archbishop Marcel Lefebvre. *TPS* 33 (1988): 201-205. Also *Origins* 18 (1988): 97, 99-101.

Telegram from Cardinal Joseph Ratzinger to Archbishop Lefebvre, 29 June 1988:

For the love of Christ and of His Church the Holy Father paternally and firmly asks you to come to Rome today without proceeding to the episcopal ordinations of June 30 which you have announced. He prays to the holy Apostles Peter and Paul to inspire you not to betray the episcopate whose charge you have received, nor the oath which you have taken to remain faithful to the Pope, the successor of Peter. He asks God to save you from leading astray and scattering those whom Jesus Christ came to gather together in unity.

He entrusts you to the intercession of the Most Holy Virgin Mary, Mother of the Church.

Cardinal Joseph Ratzinger. Prefect CDF. 29 June 1988, telegram to Archbishop Lefebvre. *TPS* 33. (1988): 203

Decree of excommunication, July I, 1988:

notwithstanding the formal canonical warning of last June 17 and the repeated appeals to desist from his intention, has performed a schismatical act by the episcopal consecration of four priests, without pontifical mandate and contrary to the will of the Supreme Pontiff and has therefore incurred the penalty envisaged by canon 1364, §1 and canon 1382 of the *Code of Canon Law*.

Having taken account of all the juridical effects, I declare that the above-mentioned Archbishop Marcel Lefebvre and Bernard Fellay, Bernard Tissier de Mallerais, Richard Williamson and Alfonso de Galarreta have incurred ipso facto excommunication *latae sententiae* reserved to the Apostolic See.

Moreover, I declare that Bishop Antonio de Castro Mayer, bishop emeritus of Campos, since he took part directly in the liturgical celebration as co-consecrator and adhered publicly to the schismatical act, has incurred excommunication *latae sententiae* as envisaged by canon 1364, §1.

The priests and faithful are warned not to support the schism of Archbishop Lefebvre, otherwise they shall incur ipso facto the very grave penalty of excommunication.

Cong. for Bishops. 1 July 1988. decree of excommunication. *TPS* 33 (1988): 209. Also *Ongins* 18(1988): 151.

Apostolic Letter *Ecclesia Dei*, 2 July 1988. AAS 80 (1988): 1495-1498.

1. With great affliction the church has learned of the unlawful episcopal ordination conferred on June 30 by Archbishop Marcel Lefebvre, which has frustrated all the efforts made during the previous years to ensure the full communion with the church of the Priestly Society of St. Pius X, founded by the same Mons. Lefebvre. These efforts, especially intense during recent months, in which the Apostolic See has shown comprehension to the limits of the possible, were all to no avail.¹

2. This affliction was particularly felt by the successor of Peter to whom in the first place pertains the guardianship of the unity of the church,² even though the number of persons directly involved in these events might be few, since every person is loved by God on his own account and has been redeemed by the blood of Christ shed on the cross for the salvation of all.

The particular circumstances, both objective and subjective, in which Archbishop Lefebvre acted provide everyone with an occasion for profound reflection and for a renewed pledge of fidelity to Christ and to his church.

3. In itself, this act was one of disobedience to the Roman pontiff in a very grave matter and of supreme importance for the unity of the church, such as is the

¹ Cf. "Informatory Note" of June 16, 1988: *L'Osservatore Romano*. Englished. June 27, 1988. pp. 1-2.

² Cf. Vatican Council I. *Pastor Aeternus*, Ch. 3. Denziger-Schonmetzer 3060.

ordination of bishops whereby the apostolic succession is sacramentally perpetuated. Hence such disobedience – which implies in practice the rejection of the Roman primacy – constitutes a schismatic act.³ In performing such an act, notwithstanding the formal canonical warning sent to them by the Cardinal Prefect of the Congregation for Bishops on June 17, Mons. Lefebvre and the priests Bernard Fellay, Bernard Tissier de Mallerais, Richard Williamson and Alfonso de Galarreta have incurred the grave penalty of excommunication envisaged by ecclesiastical law.⁴

4. The root of this schismatic act can be discerned in an incomplete and contradictory notion of tradition. Incomplete, because it does not take sufficiently into account the living character of tradition, which, as the Second Vatican Council clearly taught, “comes from the apostles and progresses in the church with the help of the Holy Spirit. There is a growth in insight into the realities and words that are being passed on. This comes about in various ways. It comes through the contemplation and study of believers who ponder these things in their hearts. It comes from the intimate sense of spiritual realities which they experience. And it comes from the preaching of those who have received, along with their right of succession in the episcopate, the sure charism of truth.”⁵

But especially contradictory is a notion of tradition which opposes the universal magisterium of the Church possessed by the Bishop of Rome and the body of bishops. It is impossible to remain faithful to the tradition while breaking the ecclesial bond with him to whom, in the person of the apostle Peter, Christ himself entrusted the ministry of unity in his church.⁶

5. Faced with the situation that has arisen, I deem it my duty to inform all the Catholic faithful of some aspects which this sad event has highlighted.

a) The outcome of the movement promoted by Mons. Lefebvre can and must be, for all the Catholic faithful, a motive for sincere reflection concerning their own fidelity to the Church’s tradition, authentically interpreted by the ecclesiastical magisterium, ordinary and extraordinary, especially in the ecumenical councils from Nicaea to Vatican II. From this reflection all should draw a renewed and efficacious conviction of the necessity of strengthening still more their fidelity by rejecting erroneous interpretations and arbitrary and unauthorized applications in matters of doctrine, liturgy and discipline.

To the bishops especially it pertains, by reason of their pastoral mission, to exercise the important duty of a clear-sighted vigilance full of charity and firmness, so that this fidelity may be everywhere safeguarded.⁷

³ Cf. *Code of Canon Law*, c. 751.

⁴ Cf. *ibid.*, c. 1382.

* Vatican Council II. *Dei Verbum*. 8; cf. Vatican Council I. *Dei Filius*, Ch. 4: DS 3020.

* Cf. Mt 18:18; Lk 10:16; Vatican Council I, *Pastor Aeternus*, Ch. 3: DS 3060.

⁷ Cf. c. 386; Paul VI, Apost. Exhort. *Quinque Iam Anni*, December 8, 1970 AAS 63 (1971), pp. 97-106.

However, it is necessary that all the pastors and the other faithful have a new awareness, not only of the lawfulness but also of the richness for the church of a diversity of charisms, traditions of spirituality and apostolate, which also constitutes the beauty of unity in variety: of that blended “harmony” which the earthly church raises up to heaven under the impulse of the Holy Spirit.

b) Moreover, I should like to remind theologians and other experts in the ecclesiastical sciences that they should feel called upon to answer in the present circumstances. Indeed, the extent and depth of the teaching of the Second Vatican Council call for a renewed commitment to deeper study in order to reveal clearly the council’s continuity with tradition, especially in points of doctrine which, perhaps because they are new, have not yet been well understood by some sections of the church.

c) In the present circumstances I wish especially to make an appeal, both solemn and heartfelt, paternal and fraternal, to all those who until now have been linked in various ways to the movement of Archbishop Lefebvre, that they may fulfill the grave duty of remaining united to the vicar of Christ in the unity of the Catholic Church, and of ceasing their support in any way for that movement. Everyone should be aware that formal adherence to the schism is a grave offense against God and carries the penalty of excommunication decreed by the church’s law.⁸

To all those Catholic faithful who feel attached to some previous liturgical and disciplinary forms of the Latin tradition, I wish to manifest my will to facilitate their ecclesial communion by means of the necessary measures to guarantee respect for their rightful aspirations. In this matter I ask for the support of the bishops and of all those engaged in the pastoral ministry in the church.

6. Taking account of the importance and complexity of the problems referred to in this document, by virtue of my apostolic authority I decree the following:

a) a commission is instituted whose task it will be to collaborate with the bishops, with the departments of the Roman Curia and with the circles concerned, for the purpose of facilitating full ecclesial communion of priests, seminarians, religious communities or individuals until now linked in various ways to the fraternity founded by Mons. Lefebvre, who may wish to remain united to the successor of Peter in the Catholic Church, while preserving their spiritual and liturgical traditions, in the light of the protocol signed on May 5 by Cardinal Ratzinger and Mons. Lefebvre.

b) This commission is composed of a cardinal-president and other members of the Roman Curia, in a number that will be deemed opportune according to circumstances.

c) Moreover, respect must everywhere be shown for the feelings of all those who are attached to the Latin liturgical tradition, by a wide and generous

⁸Cf. c. 1364.

application of the directives already issued some time ago by the Apostolic See, for the use of the Roman Missal according to the typical edition of 1962.⁹

7. As this year specially dedicated to the Blessed Virgin is now drawing to a close, I wish to exhort all to join in unceasing prayer which the vicar of Christ, through the intercession of the mother of the church, addresses to the Father in the very words of the Son: “That they all may be one!”

John Paul II. 2 July 1988, apostolic letter. *Ecclesia Dei*, AAS 80 (1988): 1495-1498; *TPS* 33 (1988): 206-209; *Origins* 18(1988): 149, 151-152

Restoration of Separated Group to Communion with the Holy See, 28 September 1990. Private.

With joy I meet you today, sons of Saint Benedict from Sainte-Madeleine Abbey in Barroux who desired to show your fidelity to the Lord and your attachment to His Church by our common pilgrimage.

I give thanks with you to divine Providence which has helped you, since the tragic events of June 1988, to return to communion with the Apostolic See. Since that time your attachment to Peter’s successor has been constantly strengthened, and I am happy to know that your relations with the diocesan Church are becoming more loyal and fraternal every day.

You have also been a great encouragement and constant support for the Benedictine nuns of the Annunciation, who are in the process of building their monastery not far from yours, and you have contributed in a fortuitous and effective way towards strengthening their bonds with the diocese.

The Holy See has granted your monastery the faculty of utilizing liturgical books in use in 1962 in order to respond to the aspirations of those “who feel attached to some previous liturgical and disciplinary forms of the Latin tradition,”¹ thus confirming the dispositions of the conciliar Constitution on the Sacred Liturgy which recalls that “even in the liturgy the Church does not wish to impose a rigid uniformity in matters which do not involve the faith or the good of the whole community. Rather she respects and fosters the qualities and talents of (the various races and nations.”² It is quite evident that, far from trying to put the brakes on the application of the reform undertaken after the Council, this concession is meant to facilitate the ecclesial communion of the persons who feel attached to these liturgical forms.’

I express my wish that the “work of God” and particularly the Eucharist

⁹ Cf. Congregation for Divine Worship. Letter *Quattuor Abhinc Annos*, October 3. 1984: AAS 76 (1984): 1088-1089.

¹ *Ecclesia Dei*, July 2. 1988, n. 5, c.

² *Sacrosanctum Concilium*, n. 37.

[’] Cf. *Ecclesia Dei*, n. 5. c.

celebrated in this way in your monastery will effectively contribute to the fulfillment of the monastic ideal which will surely be nourished by silence which enhances contemplation and the zealous search for God above all things, so that your young and fervent community will be able to bear witness to invisible realities in the contemporary world. Thus, with the other Benedictine monasteries, you will continue to be places of retreat for the spiritual renewal where, with the first place rightly reserved for God, “the human is directed toward and subordinated to the divine, the visible to the invisible, action to contemplation, and this present world to that city yet to come.”⁴

I take the occasion of this meeting to address all those who are still part of the Saint Pius X Fraternity. I urgently invite them to place themselves again under the direction of Peter’s successor and to make contact with the “*Ecclesia Dei*” Commission which was established to facilitate their reincorporation into full Church communion. Sainte-Madeleine Abbey should be an encouragement for them to rediscover the productive unity of the Church gathered around the Bishop of Rome.

I entrust the great intention of the reconciliation of all the Church’s sons and daughters in one communion to your prayers.

To help you in your monastic life in the heart of the Church, our Mother. I gladly bless you.

John Paul II, September 28, 1990, address to Abbey of Sainte-Madcleine. *TPS* 36 (1991): 76-77.

CANON 1388

Decree regarding Violation of the Seal of Confession. 23 September 1988. AAS 80(1988): 1367.

Decree by which, for the protection of the sacrament of Penance, excommunication *latae sententiae* is incurred by those whosoever record by technical instruments or make known by an instrument of social communication those things which are said by a confessor and by a penitent.

The Congregation for the Doctrine of the Faith, for the protection of the sanctity of the sacrament of Penance and to strengthen the rights of ministers and Christian faithful that pertain to the sacramental seal and to the other secrets connected with Confession, by force of a special faculty assigned to it by the Supreme Authority of the church (c. 30), has decreed:

Without prejudice to the prescription of canon 1388. whosoever records by means of any technical instrument those things which are said by a confessor or by

⁴ *Sacrosanctum Concilium*, n. 2.

a penitent in either a real or a pretended Sacramental Confession, made by one's self or by another, or divulges those things through instruments of social communication, incurs excommunication *latae sententiae*.

This decree begins to have force from the day of promulgation.

CDF, Decree regarding Excommunication for Violation of Seal of Confession. September 23, 1988, AAS 80 (1988) 1367; *Communicationes* 21: 112.

USCC Pedophilia Statement, 9 February 1988. Private.

Recent years have seen an alarming increase in reported cases of the sexual abuse of children. This is a profound tragedy for all involved, but it is also more than that. Because of the lasting impact of such incidents on the victims, child molestation constitutes a direct threat to the future well being and stability of our society. As such, it must be a matter of the gravest concern to all persons of good will. It is, of course, a particular concern for both secular and religious organizations involved with the care and education of children. All such organizations must respond to this problem through training, education and, where needed, effective action.

The sexual abuse of children often involves a complex disorder known as pedophilia. It affects both men and women without regard to whether they are married, single or celibate. Tragically it has occurred in persons who are leaders of the community and others who have been placed in positions of great trust. As the clinical and other dimensions of pedophilia become better understood, society's ability to deal capably with the problem grows. For their part, the Roman Catholic bishops of the United States are deeply committed to addressing such incidents positively, to making strong efforts to prevent child abuse, to repairing whatever damage has been done and to bringing the healing ministry of the church to bear wherever possible.

As public attention began to be more focused on child abuse generally and pedophilia particularly, the U.S. Catholic Conference has taken strong and positive steps to educate, advise and guide. Because medical evidence shows that most offenders were themselves victims of abuse as children, the conference's efforts have been and will continue to be directed toward assisting those involved to break that cycle here and now, through positive programs of prevention and education. The USCC has already undertaken programs for the education of bishops and their advisers, health officials, diocesan administrators, attorneys and others. The bishops took up the problem of pedophilia at a plenary session in Collegeville, Minn., some three years ago. The program included presentations of the clinical, legal and pastoral aspects of the problem. This effort has been supplemented and supported by involvement of diocesan officials in 1985, 1986 and 1987, with further discussion by the bishops in their 1987 plenary session.

In part, because of these efforts and because of the commitment of individual

dioceses to the care of Catholic families and children, affirmative activities on the local level have been and are being successfully conducted. These include the education of diocesan personnel involved with children on the prevention of child abuse; development of diocesan personnel policies and guidelines governing the reporting of instances of abuse and the diocese's response to specific complaints, including suspension from employment and from active ministry whenever appropriate; sensitive awareness to the pastoral implications for the accused and the victim; and commitment of the diocese to heal the victims and their families, rehabilitate the offender and reconcile all involved in the ministry of the church. Dioceses undertake these efforts as tangible signs of their commitment to the care and well being of the individuals involved, especially children.

Concerning the conference's activities, the USCC is not a national governing board for the church in the United States. Under both church law and civil law, each diocese is separate and independent from every other diocese, and the conference may not direct that actions be undertaken by a diocese or other church-related institution. However, the conference provides a forum for general guidance and consultation, and facilitate discussion and communication among the individuals and groups dealing with the problem. These efforts have principally involved the USCC Office of General Counsel in providing confidential advice to diocesan attorneys and officials, when and if requested. The conference, however, is not consulted in every case and records in many cases are closed by the courts to protect, quite properly, the privacy of the victim, the accused and other persons involved. At the same time, the conference does not pass judgment on the actions taken in individual cases, which involve specific and often complicated facts and the application of differing state law. Finally, the USCC has no reliable estimate for either the number of cases or persons involved, other than what is reported. Even one report, however, is cause for concern because it indicates that a child has been victimized.

Pedophilia is neither a church nor a clerical problem exclusively, but one affecting religious and secular groups alike. The conference joins its own efforts with those of other public and private organizations that educate and care for children. All share a common commitment to prevent instances of child abuse whenever possible and to restore those who suffer from pedophilia and their victims to health. The men and women who lead the many and varied church organizations and institutions are fully committed to the well being and prosperity of our nation's children.

Mark Chopko, USCC General Counsel. 9 February 1988, statement. *Origins* 17 (1988) 624

USCC Administrative Committee:

Statement on Priests and Child Abuse, 5 November 1989. *Origins* 19 (1989) 394-395

CANON 1398**Catholic Officeholders and Abortion, November-December 1989. Private.**

Statement of Bishops Elden Curtiss and Anthony Milone, November 20, 1989:

When Catholics who hold public office in Montana declare themselves in favor of abortion rights, it creates a serious problem for the Catholic Church in Montana.

The church stands for the rights of women regarding sovereignty over their own bodies and for the rights of pre-born babies regarding the sovereignty of their innocent lives. We insist that both rights must be protected.

We strongly oppose the violence of forced intercourse.

We strongly oppose the violence of abortion.

We ask all Catholics who hold public office in this state to refrain from public statements which contradict these basic principles of Catholic morality.

Bishop Curtiss' Questions for Nancy Keenan, November 28, 1989:

I took some time last night to formulate the following questions. Would you like to answer them now or take some time and answer them later?

1. The Catholic Church strongly opposes the violence of abortion. As a Catholic, what does your support for the "pro-choice" movement mean to you?

2. Is a woman's right exclusive in the matter of abortion or are there other rights involved? How does your "pro-choice" stance impact these other rights?

3. How can you say that the secondary right to privacy of the mother outweighs the primary right to life of the pre-born baby?

4. How can you say that you accept the teaching of the church opposing abortion and yet claim that a woman may abort her pre-born baby if she so chooses?

5. Your "pro-choice" position seems to indicate that morality is a matter of individual choice only. How does this position impact other objective moral standards that our society has established to protect individual persons such as those regarding murder, theft, drug abuse, etc.?

6. As superintendent of public instruction and the official responsible for the supervision of all programs of public education in the state, are you not aware of the impact which your support of abortion as a matter of personal choice has on the young people of Montana? Many young consciences are not fully formed-do you not give special credibility, because of your office, to the idea that it is morally right for mothers to abort their pre-born babies if they choose to do so?

If you have any questions you would like to ask me, you are welcome to visit my office. Please call my secretary for an appointment.

Letter of Nancy Keenan to Bishop Curtiss, December 5, 1989:

The courteous tone of our meeting on November 28 reinforced the mutual respect we hold for each other's opinions. After careful thought I have decided it is most appropriate for me to respond to your questions with a single statement.

As a Catholic I accept the teaching of my church on abortion. This is my personal religious belief.

Though we are in total agreement on my position as a private Catholic citizen, I suspect we will forever disagree on my responsibility as an elected public official. Understanding how deeply you feel about this religious matter, please know I feel just as deeply about my responsibility to uphold the Constitution.

As a public official, there is no question in my mind that depriving women of the right to follow their conscience is the same as imposing religious beliefs.

We are a country of widely divergent peoples. We are black, white, red, brown and yellow. We are Asian, African, Indian and European. We are Catholic. Jewish. Buddhist and Protestant. We are a great country because we have constantly dedicated ourselves to preserving the diversity of our people. We have a long tradition of tolerance and acceptance of other people's appearance, customs, and religious beliefs. Our government has fostered and protected the rights of all our citizens to exercise the freedoms granted in our Constitution.

I believe, as Bernard Malamud said, "the purpose of freedom is to create it for others." If we violate our founding principle of religious freedom, we destroy one of the basic freedoms that created this nation and made it great.

Finally, I see my freedom to speak out on the issue of choice and to disagree with my bishop as testament to this grand experiment called democracy.

Montana Bishops' Clarification of Position. December 10, 1989:

We welcome this opportunity to express our views concerning the abortion debate and the obligation that church leaders have to speak publicly about significant moral issues.

Our public statement on November 20, 1989 – which asked Catholic public officials to refrain from making public statements in opposition to the church's position regarding protection for the life of pre-born infants – was not made at this time in response to a specific piece of legislation or to a legislative vote by individual Catholics. Rather, our response was to state officeholders known to be Catholic whose public support for women's right to choose abortion created a public problem for the church in Montana. When Catholics in leadership roles take a public stance in opposition to church teaching, then we are forced to make a public response in order to clarify the issue.

The church stands against abortion because we accept the inherent dignity of pre-born human life. We see a continuum of development from conception to viability outside the womb. Biological and philosophical and theological evidence

leads us to believe that the unique human spirit (the soul) is present at the beginning of human life and not at some arbitrary point in the process. Since no one is able to draw a line at some point in this development to indicate when human life begins, we think that human life must be protected at every stage of development.

Consequently, our opposition to abortion is not simply a sectarian belief which has no place in the public debate. It is certainly not just a Catholic issue, since many people of other churches share our concern as well as other people who are not church members who see this as a humanitarian cause.

Abortion is a public issue which affects the common good because it affects the way we look at human life as a people. Many of us consider abortion to be the axe at the root of all human rights, since no life will be fully secure if beginning human life is not made fully secure. This makes abortion a moral and political issue for everyone and not just a religious issue for some.

We have not violated the principle of the separation of church and state by our public action. The First Amendment prohibits government from establishing a church or favoring one religion over others. The church has the right in our democratic society to enter into public debate over moral issues which concern the dignity of human life and the quality of human life. We seek no favors as we enter this public arena, and we hope there will be no discrimination directed against the church because we have been compelled to raise our voices in response to the voices of others.

We do not accept the dichotomy between private and public morality that is urged as a compromise by some people in the abortion debate. For anyone to state publicly that they are personally opposed to abortion but support the right of women to choose abortion is inconsistent. This double standard of morality would be disastrous for our society if it were followed to its logical conclusion: e.g., someone saying that "I am personally opposed to grand larceny and drug trafficking and murder and rape, but I support the right of our citizens to engage in these activities if they so choose."

If some Catholic officeholders have come to the conclusion that in a pluralistic society women must be given the option of choosing abortion in order to guarantee their civil rights, then we have the obligation to remind them that pre-born babies have no option but death in these decisions. The church must defend the most defenseless in our society, which in this issue means babies before and after birth.

This does not mean that we are insensitive to the struggle and anguish of women who are confronted with crisis pregnancies. No one but they experience the terrible dilemma and the agony of decision. We cannot be credible in our defense of human life if we do not support them and offer them viable alternatives to abortion. Each community in our state must help these women carry the burden of supporting new life in these difficult situations. As the bishops of Montana, and in union with the other bishops of the United States, we are vitally concerned about the dignity of all human life and adequate support structures for all human life,

from conception, to natural death. Abortion is not the only life issue confronting our society. It is not the only issue that we are willing to address publicly.

We have tried in recent years to express a consistent ethic of life, which has addressed such issues as the threat of the nuclear arms buildup in the world, the reality of poverty in our state, the plight of people without work and without shelter, the struggle of Montana native Americans, the need for adequate prenatal and postnatal care for mothers and their babies, the problems connected with substance abuse, adequate care for the victims of AIDS, the needs of the elderly, opposition to the death penalty as a deterrent for crime, support for family farms and ranches, and for our lumber and mining industries, and the lack of a comprehensive health plan for all our people.

We hope that our support for human life – our human life ethic – is seen as consistent and honest and not merely self-serving for the church we represent.

Bishops Elden Curtiss and Anthony Milone. 20 November 1989 through 10 December 1989. statements regarding Catholic officeholders and abortion. *Origins* 19 (1989): 457-459.

Authentic Interpretation: Definition of Abortion, 28 May 1988. AAS 80 (1988): 1818.

D. Whether abortion, mentioned in canon 1398, is to be understood only as the ejection of an immature fetus, or also of the killing of the same fetus in whatever way or at whatever time from the moment of conception it may be procured.

R. Negative to the first part; affirmative to the second.

Pont. Comm, for the Auth. Interp. AAS 80 (1988): 1818; *RRAO* (1990): 115.

Imperfect Abortion Legislation:

Cardinal Edouard Gagnon and Paul Weyrich, letters published July 30. 1987, *Origins* 17 (1987) 148.

BOOK VII

PROCESSES

Canons 1400- 1752

CANON 1402

Authentic Interpretation: Exemption of religious judges, 23 May 1988. AAS 80(1988): 1819.

For text see page 157 of this volume.

CANON 1418

Correspondence with persons resident in Vietnam. Private.

I am referring to your letter of February 9. last, concerning the matrimonial case of Kim and Nin in the diocese of Long Xuyen, Vietnam.

You are well aware of the difficult situation of Vietnam which does not permit the Holy See to keep up regular contact with, and to get particular information from the Vietnamese Bishops and priests living there. However, for the Vietnamese refugees, the contacts are a little easier, that is, they can write and somehow receive letters from Vietnam without causing many risks to their correspondents.

Accordingly, I would like to suggest that you ask Kim, the petitioner, to write personally – without sending the “questionnaire for respondent and witnesses” – to the parish priest in Vietnam, explaining his case and requesting the priest to give the necessary information. In any case, nothing prevents the petitioner from writing to his parents and relatives for the same purpose.

Cong, for (he Evangelization of the Peoples, 10 March 1987, letter to priest. *RRAO* (1987). 63-64.

CANON 1420

Renewal of dispensations from academic requirements. Private.

Letter from diocesan bishop, November 20, 1989:

Attached herewith is a request for a dispensation for some of the personnel of the Tribunal of Perge so that they can properly continue their work in their respective offices without academic degrees in canon law.

Attached to this petition is my *votum* outlining the reasons that I am making this request for the good of the mission of the Church in Perge. Likewise attached as part of the petition is a *curriculum vitae* on each of the priest-candidates.

Votum Episcopi

On April 3, 1985,¹ I received a letter from His Excellency Zenon Grocholewski informing me of a dispensation granted from the requirement of having canonical degrees for the following personnel of our diocesan tribunal: Reverend Fathers R.O., P.F., B.C., A.M., M.F., and R.D. for the office of judge, and on behalf of Reverend Fathers F.C., T. N., M.G., and LW for the office of defender of the bond and promoter of justice.

On April 14, 1986, I requested a dispensation from the requirement of canonical degrees for additional personnel to act as defender of the bond: Reverend Fathers R.S., D.O'C., A.V.Q., and W.C. and that was granted on May 15, 1986. I paid careful attention to the admonition of the Signatura requesting that the personnel of the tribunal acquire those skills set forth in canonical legislation (cc. 1420, §4; 1421, §2; 1435).

Following the granting of the above dispensations by the Signatura, Rev. M.F. completed his canonical studies and secured a licentiate in canon law. Also, I have added to the tribunal staff Rev. G.U., who holds a doctoral degree in canon law; Msgr. N.F. and Father T. McG. who assist in the tribunal both have a licentiate degree in canonical studies.

However, due to the missionary nature of the See of Perge, a diocese that is less than 3% Catholic and one of the largest territorial dioceses in the United States, I feel that is imperative for the administration of justice and the salvation of souls, that justice would not be delayed unduly by the lack of qualified personnel in the tribunal. I hope that you will consider my request and grant my petition for a dispensation from the requirements of canons 1420, §4; 1421, §3; and 1435 for the following personnel: For the office of defender of the bond: Reverend Fathers X.C., T.L., K.S., D.O'C., R.S., W.C., EC., T.N., and B. H.; For the office of promoter of justice: Rev. Msgr. M.G., Rev. Father W.C.; For the office of judge: Reverend Fathers P.F., A.M., and R.O.

I am enclosing the *curricula vitae* for the above-named priests.

I humbly recommend the granting of this dispensation and I beseech His Holiness Pope John Paul II to grant my request for the benefit of the tribunal and its work in Perge and for the overall care of souls.

Reply from Apostolic Signatura, December 22, 1989:

This Supreme Tribunal has received your letter dated November 20, 1989, in which you petition:

An extension of the rescript from this Supreme Tribunal granted on February 22, 1985, 1985, by which – in derogation from canons 1421, §3 and 1435 of the *Code of Canon Law* – a dispensation was granted from the required academic degrees to function in the office of judge to Reverend Fathers R.O., P.F., and

A.M.; for the office of defender of the bond to Reverend Fathers F.C. and T.N., and to Reverend Father M.G. for the office of promoter of justice; all of these offices were to be performed in the diocesan tribunal of Perge.

1. An extension of the rescript granted by this Supreme Tribunal on May 15, 1986, by which – derogating from canon 1435 of the *Code of Canon Law* – a dispensation from academic degrees was granted to Reverend Fathers R.S., D.O’C., and W.C. for the office of defender of the bond in the same tribunal.

2. And also a dispensation from academic degrees for Reverend Fathers X.C., T.L., K.S. and K.S. and B.H. enabling them to fulfill the office of defender of the bond.

As regards the extension of the rescript of May 15, 1986. this can be sought at the beginning of the year 1991.

Before considering the other two requests, this Apostolic Signatura asks that Your Excellency send to this dicastery, as soon as possible, the last five sentences issued by Reverend Fathers R.O., P.F., and A.M.; and also the animadversions which Reverend Fathers F.C. and T.N. have made in their last five cases.

Moreover, it is noted that in the annual report of the status and activities of the same tribunal, it appears that all the priests who exercise a pastoral office in your diocese have been approved to exercise the office of advocate. But canon 1483 of *Code of Canon Law* requires an advocate to be a doctor or otherwise truly expert in canon law; it is his task in the process of the case to offer technical assistance to the party by various writings, among which the written defense itself in the discussion of the case is preeminent. It seems an awesome presumption that all of the above-mentioned priests enjoy the requisite preparation and expertise for the proper exercise of this specific office. Therefore, unless Your Excellency has advocates with academic degrees in canon law, it is opportune that you select for this task those persons who are more prepared and capable and provide for their further formation.

Finally, this Apostolic Signatura congratulates Your Excellency for the efforts made to supply properly prepared persons for your tribunal. Four of the officers of that tribunal already have the requisite academic degrees.

Response of diocesan bishop to the Signatura. January 25, 1990:

I received your letter dated December 22, 1989, in reference to my petition for a dispensation for some of the personnel of the tribunal of Perge so that they can properly continue their work in their respective offices without academic degrees in canon law.

Your letter requested that I forward to your dicastery the last five sentences published by the Reverend Fathers R.O., P.F., and A.M.; and the animadversions which the Reverend Fathers F.C. and T.N. have made in their last five cases. I can comply with your request only in part. The Reverend Fathers R.O. and P.F. have

not written any sentences. I have been making every effort to comply with the dictates of the law and I have mostly used the personnel with the necessary academic canonical degrees to act to judge in the majority of the cases. The reason I had requested a dispensation for them in the first place was that one of the four administrators with the necessary academic canonical degrees was diagnosed as having Hodgkin's disease. During his extensive hospital confinement of approximately one year, he was unable to function as a judge. I am thankful that his illness is presently in remission, but as your Eminence knows, the possibility is always present of a recurrence. I consider it prudent and reasonable to have a back-up system so that the administration of justice would not be impaired.

I would like to recall to the attention of your Eminence that the Diocese of Perge is very much a missionary diocese with a population of 2.3% Catholic. The majority of cases presented to the tribunal of Perge are applicants for the Rite of Christian Initiation of Adults. The present four administrators of the tribunal with canonical academic degrees all have other pastoral duties. Due to the dearth of priests in the diocese I presently have six parishes without a resident pastor. As of January 1, 1990, I have 57 active diocesan priests, their median age is 51.5 years. I hope to have one ordination to the priesthood this year. By the year 2000 the projected number of priests will be 35. I do not have the personnel to release anyone for a minimum of two years in order to get the necessary academic canonical requirement of a licentiate in canon law. Being a poor missionary diocese, 17% of the chancery office budget comes from grants outside the diocese. The projected cost to have one priest do a licentiate degree is \$40,000.00. I do intend to try to release one priest in the next calendar year for canonical studies. I am sharing with you so that you can understand my predicament.

I am deeply conscious of the need for ongoing formation in canonical studies and I encourage all of the tribunal personnel to attend the Canon Law Society of America annual national convention and the regional canon law convention, which was held in this diocese quite recently. Eight of the priests of the Perge Diocese attended the workshop given by an eminent professor of canon law on the role of the defender of the bond. I will continue to encourage all my personnel as to the need for ongoing canonical formation.

I do appreciate your bringing to my attention the dictates of canon 1483 and I humbly request that you would consider my petition to dispense the following four priests from the requirement of canon 1483: Reverend Fathers M.S., D.D., C.B., and T.D. I am enclosing their *curricula vitae* for your consideration.

Again, I humbly ask that you would reconsider my initial petition of November 20, 1989, and this letter of explanation as to the reasons for my request.

I am enclosing the five sentences of Reverend Father A.M. as requested and the five animadversions of Reverend Fathers T.N. and F.C. The granting of the petition would greatly enhance the ongoing, overall care of souls.

Exchange of correspondence between a diocesan bishop and the Apostolic Signatura. 1989-1990 MAO(1990): 23-27.

CANON 1421

Particular Legislation: Appointment of Lay Judges.

The Gambia, Liberia, and Sierra Leone:

The Conference permits the appointment of lay judges in tribunals of the first instance. Lay judges who are appointed must be competent and of good repute. A lay judge however, may serve only as one associate judge in the formation of a panel of three judges.

ITCAlilC 3 (1986): 7.

Nigeria:

The Catholic Bishops' Conference of Nigeria fully accepts this legislation where the necessity suggests.

PCN. p. 46.

South Africa:

In accordance with the prescriptions of canon 1421. §2. the Southern African Catholic Bishops' Conference hereby decrees that where necessity suggests, lay persons who have the necessary qualifications as outlined in canon 1421. §3. may be appointed judges to constitute a collegiate Tribunal with two clerical judges.

SACBC. Decree No 10.

United States Of America:

In accord with the prescriptions of canon 1421. §2. the National Conference of Catholic Bishops authorizes diocesan bishops to appoint lay persons as judges to serve as one member of a collegiate tribunal when necessary.

Approved: General Meeting, November 1983 www.nccbuscc.org/nonns.

A lay Judge as *praeses* or *ponens*, 12 January 1989, Private.

In your letter of January 7, 1988, you proposed this question: Can a lay Judge, man or woman, be designated as *Ponens* or even Presiding Judge in a collegiate Tribunal of either the first or the second grade of jurisdiction, all other provisions of the law having been observed?

1. In response to the question whether a lay judge is able to fulfill the office of *Presiding Judge* [emphasis original] in a college, for your information we transmit this excerpt from a very recent decree of this Apostolic Signatura [the quotation is from a response to another American See which is in the possession of the editor, but not released for publication]:

We note that, insofar as possible, the Judicial Vicar, or the Adjunct Judicial Vicar, must preside over a collegiate Tribunal, each of whom must be a priest (c. 1420, §4);

We take into account that the Presiding Judge of the college enjoys a certain authority over the other judges of the college, in the case, two priests (cc. 1428; 1429; 1609, §1 and §4);

Since §2 of canon 1421, which must be considered an exception to §1 of the same canon, must receive a strict interpretation, it is totally inappropriate that a lay judge should exercise the office of Presiding Judge in a college.

2. To the question whether a lay judge can fulfill the office of *ponens* [emphasis original] in a college or not, this Supreme Tribunal does not intend to respond at this time, but notes that in any case the *individual* [emphasis original] Judges – and not just the *ponens* – having carefully examined the acts of the case, are to compose their written vote, in which they set forth their conclusions as to the merits of the case and the reasons both in law and in fact by which they came to their conclusions (c. 1609, §2). A more profound examination of the case carried out only by a lay judge and not by the other cleric judges most certainly does not correspond to the intent of canon 1421, §1-2, especially in the light of canons 129, §2 and 274, §1.

Ap. Signatura. 12 January 1989, letter to judicial vicar. *RRAO* (1989): 49-50.

CANON 1425

Particular Legislation: Single Clerical Judge in First Instance.

The Gambia, Liberia, and Sierra Leone:

As long as the impossibility of constituting a college of judges exists, the

Conference permits a sole clerical judge in first instance trials.

ITCABIC 3 (\9S6): 8.

United States of America:

In accord with the prescriptions of canon 1425, §4, the National Conference of Catholic Bishops authorizes diocesan bishops to entrust a trial of first instance to a single clerical judge.

Approved: General Meeting. November 1983. Reviewed: Holy Sec (Congregation of Bishops' Letter to Apostolic Pro-nuncio (Prot. No. 296/84) April 28. 1984. Action not considered a decree (c 455. §2) therefore does not require *recognitio* of the Holy See. Promulgated Memorandum to All Bishops, June I, 1984. www.nccbu.scc.org/norms.

CANON 1432

Defender of the Bond in Cases of Psychic Incapacity, 25 January 1988. AAS 80(1988): 1178-1185.

I am deeply grateful to you, Monsignor Dean, for the noble words with which you have expressed the good wishes of all. I greet you cordially and I extend my greeting to the College of Judges of the Court of the Roman Rota, to the officials who form part of it, to the members of the *Studium Rotale* and to the group of Rotal Advocates, who are well represented here.

This annual meeting with you affords me a gratifying opportunity to underline the importance of your delicate service to the Church, and to express to you my appreciation and my gratitude. Besides, it enables me to reflect with you on the judicial activity of the Church.

In today's meeting, I am taking up again the subject I began last year, and I intend to recall your attention *to the role of the defender of the bond* in nullity of marriage cases under the heading of psychic incapacity.

As Pius XII stated in masterly fashion,¹ the defender of the bond is called to cooperate in the search for *objective truth* concerning the nullity or otherwise of a marriage in concrete cases. This does not mean that it is his task to evaluate the arguments for or against or to give an opinion on the merits of the case. Instead it means that he ought not construct "a clever defense without caring whether his

¹John Paul II. 5 February 1987. address to the Roman Rota. *L'Osservatore Romano*, English-language edition.

²John Paul II. 2 October 1944, address to the Roman Rota. *AAS* (1944): 281.

statements have a solid foundation or not.”³

His specific role is to cooperate in the discovery of objective truth. He has the duty of “proposing and expounding everything that could reasonably be cited against nullity.”⁴

Marriage has to do with the common good of the Church. Therefore it “enjoys the favor of the law,”⁵ and the role of the defender of the bond cannot be dispensed with and is of the greatest importance. Consequently, his absence in a nullity of marriage case renders the proceedings null and void.

As I already had occasion to mention, in recent times “tendencies are sometimes apparent which tend unfortunately to re-define his role,”⁶ to the point of confusing it with that of others taking part in the case or to reduce it to some insignificant formality. In practice, this eliminates from the legal argument the intervention of the person qualified really to investigate, propose and clarify all that could reasonably be cited against nullity, with serious damage to the impartial administration of justice.

Therefore, I feel obliged to recall that the defender of the bond “is bound”⁷ – and therefore has the obligation – and not simply, the option – of carrying out his specific task in a responsible manner.

The necessity of carrying out such an obligation assumes a particular importance in those marriage cases, of their nature very difficult, which have to do with *the psychic incapacity of the contracting parties*. In cases of this kind, in fact, confusion and misunderstanding can easily arise – as I had occasion to emphasize last year – in the dialogue between the psychiatrist or the psychologist and the ecclesiastical judge, with consequent incorrect use of psychiatric and psychological evidence. This requires that the intervention of the defender of the bond should be really expert and perceptive. In this way, it will contribute effectively to throw light on facts and their meaning and it also becomes, in concrete cases, a defense of the Christian vision of human nature and of marriage.

I now wish to confine my remarks to two points, to which the defender of the bond should pay particular attention in the aforementioned cases – namely, the correct view of the normality of the contracting party and the canonical conclusions to be drawn from the psychopathological symptoms – for the purpose of indicating eventually the pertinent duties of the one who must defend the bond.

The difficulty which the experts themselves in the field of psychology and psychiatry experience in defining satisfactorily for everybody the *concept of normality* is well known. In any case, whatever may be the definition given by the

³ Ibid.

⁴ C. 1432.

⁵ C. 1060.

⁶ John Paul II, 28 January 1982, address to the Roman Rota, AAS 74 (1982): 449

⁷ C. 1432.

psychiatric and psychological sciences, it must always be examined in the light of the concepts of Christian anthropology which underlie canonical science.

In the psychological and psychiatric trends which prevail today, attempts to arrive at an acceptable definition of normality refer solely to the earthly and natural dimensions of the person, that, namely, which is perceptible by those same human sciences as such. They do not take into consideration an integrated concept of the person, in his eternal dimension and in his vocation to transcendent values of a religious and moral nature. In such a reductionist view of the human person and of the human vocation, one easily ends up identifying normality, in relation to marriage, with the capacity to receive and to offer the possibility of full fulfillment in the conjugal relationship.

Of course this conception of normality based on natural values is also relevant to the capacity to strive for transcendent values, in the sense that in the most extreme forms of mental illness, the capacity of the subject to strive for values in general is compromised.

Christian anthropology, enriched by the contribution of recent discoveries in psychology and psychiatry, considers the human person, under every aspect, terrestrial and eternal, natural and transcendent. In accordance with this integrated vision, man, in his historical existence, appears internally wounded by sin and at the same time, gratuitously redeemed by the sacrifice of Christ.

Man, therefore, carries within himself the seed of eternal life and the vocation to make transcendent values his own. He himself, however, remains internally vulnerable and dramatically exposed to the risk of failing in his own vocation. This is due to the resistance and difficulties which he encounters in his earthly existence. These may be found on the conscious level, where moral responsibility is involved, or on the subconscious level, and this may be either in ordinary psychic life or in that which is marked by slight or moderate psychic illnesses which do not impinge substantially on one's freedom to strive after transcendent ideals which have been responsibly chosen.

Thus man is divided – as St. Paul says – between Spirit and flesh since “the flesh has desires that are opposed to the Spirit and the Spirit has desires that are opposed to the flesh.”⁸ At the same time, he is called to overcome the flesh and to “walk according to the Spirit.”⁹ Furthermore, he is called to “crucify the flesh with its self-indulgent passions and desires,”¹⁰ thus giving to this unavoidable struggle and to the suffering that it involves – and also to the above mentioned limits of his effective liberty – a redemptive meaning.¹¹ In this struggle, “the Spirit too comes

⁸Gal 5:17.

⁹Cf. Gal 5:16. 25.

¹⁰Gal 5:24.

¹¹ Cf. Rom 8: 17-18.

to help us in our weakness.”¹²

It follows, therefore, that while for the psychologist or psychiatrist every form of psychic illness can appear the opposite of normality, for the canonist who is inspired by the aforementioned integrated vision of the person, the concept of normality, that is to say, of the normal human condition in this world, also includes moderate forms of psychological difficulty. Consequently it includes the call to live in accordance with the Spirit even in the midst of tribulations and at the cost of renunciation and sacrifice. Where such an integral vision of the human being is lacking, normality on the theoretical level can easily become a myth, and on the practical level, one ends up denying to the majority of people the possibility of giving valid consent.

The second point on which I intend to dwell is related to the first. It concerns *the conclusions to be drawn in jurisprudence*, when the evidence of the psychiatrist indicates the presence in the spouses of some psychic illness.

Bearing in mind that only the most severe forms of psychic illness reach the point of impairing substantially the freedom of the individual and that psychological concepts do not always correspond with canonical, it is of fundamental importance that, on the one hand, the identification of the more serious forms and their distinction from the slight, be carried out by means of a method that is scientifically sure: on the other hand it is important that the categories that belong to psychiatry or psychology are not automatically transferred to the field of canon law without making the necessary adjustments which take account of the specific competence of each science.

In this regard it must not be forgotten that difficulties and divergences exist within the sciences of psychiatry and psychology as regards the definition of “psychic illness.” There certainly exist descriptions and classifications which receive a higher level of agreement, so that scientific discussion is possible. However, it is precisely in relation to these classifications and descriptions of the principal psychic disturbances that a serious danger can arise in the dialogue between expert and canonist.

It frequently happens that the psychological and psychiatric analyses carried out on the contracting parties, instead of considering “the nature and degree of the psychic processes which have a bearing on matrimonial consent and the capacity of the person to assume the essential obligations of marriage,”¹³ are limited to a description of the behavior of the contracting parties in the different stages of their life. From that, the abnormal symptoms are collected and classified according to a diagnostic label. It must be said candidly that such an exercise, while it has its value, is totally incapable of supplying the clarification which the ecclesiastical

¹² Rom 8:26.

¹³ John Paul II, 15 February 1987, address to the Roman Rota, *L'Osservatore Romano*, English-language edition, February 23, n. 2.

judge expects of the expert witness.

The judge should, therefore, request the expert to go further and extend his analysis to an evaluation of the underlying causes and dynamic processes, instead of confining himself to the symptoms which spring from them. Only such a complete analysis of the subject, of his psychic capacities and of his freedom to strive for values that are in themselves self-fulfilling, lends itself to being translated into canonical categories by the judge.

All possible explanations for the failure of a marriage for which a declaration of nullity is sought will have to be considered and not just the hypothesis of it being due to psychic incapacity. If nothing more is done than a descriptive analysis of the different ways of behaving, without seeking their dynamic explanation and without attempting a comprehensive evaluation of the elements which make up the personality of the subject, the analysis of the experts leads to one single predetermined conclusion. In fact it is not difficult to see infantile and conflictual sides to the contracting parties which, in such a situation become inevitably the “proof of their abnormality. It may, in fact, be a case of people who are substantially normal but who have difficulties which could be overcome, were it not for their refusal to struggle and make sacrifices.

The error becomes all the more easy if one considers that often the expert presupposes that a person's past not only helps to understand the present but inevitably determines it in such a manner as to eliminate all possibility of free choice. Here again the conclusion is predetermined and the consequences are serious when it is considered how easy it is to find in everyone's infancy and adolescence elements of trauma and inhibition.

There is another and not infrequent source of misunderstanding in the evaluation of psychopathological cases. It arises not from an exaggeration of the extent of the illness but, on the contrary, from an unjustified overvaluing of the concept of capacity to contract marriage. As I noted last year,¹⁴ the misunderstanding can arise from the fact that the expert declares that a party is incapable of contracting marriage, while referring not to the minimum capacity sufficient for valid consent, but rather to the ideal of full maturity in relation to happy married life.

The defender of the bond, in cases involving psychic incapacity, is called therefore to refer constantly to an adequate anthropological vision of normality in order to compare with it the results of the examination carried out by the experts. He will have to pick out and indicate to the judge possible errors arising in this matter in the passage from psychological and psychiatric to canonical categories.

In this way, he will help in preventing the tensions and difficulties, inevitably involved in the choice and achievement of the ideals of marriage, from being confused with the signs of a serious mental illness. He will prevent the subcon-

¹⁴ Ibid., n. 6.

scious dimension of ordinary psychic life from being interpreted as a condition which removes the substantial freedom of the person. He will also prevent every form of dissatisfaction and maladjustment in the period of a person's human formation from being understood as a factor which necessarily destroys even the ability to choose and realize the object of matrimonial consent.

The defender of the bond must also take care that expert evidence, which is scientifically uncertain, or else limited only to an examination of the signs of abnormality without the required existential analysis of the contracting party in the totality of his being, should not be accepted as sufficient basis for a diagnosis.

Thus for example, if in the evidence there is no reference to the responsibility of the spouses, nor to their possible errors of judgment, or if the means at their disposal to remedy weakness or error are not considered, then it is to be feared that a reductionist slant pervades the evidence, predetermining the conclusions.

This also holds true in the case when the subconscious or the past may be presented as factors which not only influence the conscious life of the person, but determine it, impeding the faculty of free decision.

In the carrying out of his duty, the defender of the bond must adapt his activity to the various phases of the process. In the interest of objective truth it belongs to him above all to ensure that the questions are put to the expert in a clear and relevant manner, that his competence be respected and that answers are not expected from him on canonical matters. Then in the discussion stage the defender of the bond will have to know how to evaluate correctly the expert's evidence in so far as it is unfavorable to the bond, and indicate in appropriate fashion to the judge the risks of incorrectly interpreting the evidence. He will also avail of the right to reply which the law gives him.¹⁵ In the case of an affirmative decision in first instance, should he eventually notice insufficiency of proof on which the sentence is based or in its evaluation, he will not fail to lodge and justify an appeal.

However, the defender of the bond will have to remain within his own specific canonical competence, without in any way wishing to vie with the expert or to substitute him with regard to the science of psychology or psychiatry.

Nevertheless, by virtue of canon 1435, which requires of him "prudence and zeal for justice," he must know how to recognize, both in the premises and in the conclusions of the expert, the elements which have to be confronted with the Christian vision of human nature and of marriage. He is to be vigilant so that the correct methodology be safeguarded in the dialogue between the disciplines, with the required observance of their respective roles.

The peculiar contribution of the defender of the bond in the course of the case makes him an indispensable element in the avoidance of misunderstanding in the pronouncement of decisions. This is especially true when the predominant culture appears opposed to the protection of the marriage bond which the contracting

¹⁵ C 1603. §3.

parties undertook at the moment of their wedding.

When his participation in the process is confined to the presentation of merely ritual observations, there would be justified reason for deducing therefrom an ignorance that is unacceptable and/or grave negligence which would weigh on his conscience. This would make him responsible in regard to the justice administered by the courts, since such an attitude on his part would effectively weaken the search for truth which should always be "the foundation, mother and law of justice."¹⁶

While I am grateful for the wise and prudent work carried out by the defenders of the bond of this Roman Rota and in many other ecclesiastical tribunals, I intend to encourage the renewal and the strengthening of such a specialized role. I hope it will always be carried out with competence, clarity and commitment, especially because we find ourselves confronted with an ever-growing mentality which has little respect for the sacredness of obligations that have been undertaken.

I impart my blessing to you and to all who work for justice in the Church.

John Paul II. 25 January 1988, allocution to Roman Rota. AAS 80 (1988): 1178-1185; TPS 33 (1988): 156-160.

CANON 1438

Competent Forum for Appeal after Negative First Instance Sentence. Private.

Liter from judicial vicar to the Pontifical Commission for the Authentic Interpretation of the Code of Canon Law, November 7, 1988:

With the encouragement of the Most Reverend Bishop, may I respectfully request the interpretation of canon 1673 in this regard:

- 1) After one Tribunal has issued a *non constat* decision in a marriage nullity case, may another Tribunal, claiming competency under another caput of canon 1673, institute a new process for nullity in the same case?
- 2) May the second Tribunal institute a new process for nullity even when the proper appellate process has not been followed?

Background:

In recent months 4 Tribunals have indicated a willingness to accept cases in which our Tribunal, after conscientious study, had concluded that nullity had not

¹⁶ John Paul II. 4 February 1980. address to the Roman Rota. /VIS 72 (1980); 173.

been proven. This, in our opinion, weakens the Church's judicial system because:

- 1) it suggests that there are different standards of justice in our Tribunals;
- 2) it encourages Plaintiffs to go from Tribunal to Tribunal until they find one that will declare a marriage null;
- 3) it implies that the first Tribunal is unskilled and unreliable and thus lessens respect for it among its own diocesans.

It appears to us that the Church's appellate system, including the Roman Rota, offers adequate opportunity for a Plaintiff to be given justice even if the original Tribunal makes an error. Also, if there is new and solid evidence, it should be submitted to the Tribunal that adjudicated the case instead of instituting a new process before another Tribunal.

Judicial Vicar, 1988, letter to the Pontifical Commission for the Authentic Interpretation of the Code of Canon Law, *RRAO* (1989): 54-55.

Response of the Pontifical Commission to the judicial vicar:

I am responding to your letter of 7 November of this year in which you, encouraged by your bishop, posed some questions regarding the interpretation of canon 1673 to this Pontifical Commission. The issue centered on the possibility of introducing a new case for the nullity of marriage to a second equally competent tribunal, after a prior competent tribunal has already given a negative decision or whether this second tribunal can begin a new process when the proper appellate process has not been followed.

This Pontifical Commission considers your concern quite justified. Situations of this sort are surely lamentable. They can have negative implications in the search for truth which then has serious repercussions for the welfare of souls as well as for the esteem and reputation of the Church's tribunals.

The questions you are raising involve a general problem of the discipline of ecclesiastical tribunals rather than an interpretation of a norm of the *Code of Canon Law*. For this reason, we have transmitted your request to the Supreme Tribunal of the Apostolic Signatura, from which you will eventually hear.

Pontifical Commission for the Authentic Interpretation of the Code of Canon Law. 1988, response to letter from judicial vicar, *RRAO* (1989): 55.

Response of the Apostolic Signatura to the judicial vicar, June 3, 1989:

The Doubt:

1. Which is the competent forum in a case of nullity of marriage following a

negative sentence given in the First Instance?

2. Presuming that:

- it is indeed the same case, inasmuch as it deals with the same petition between the same parties and arising out of the same basis for petitioning [cf. c. 1641, 1°];
- in the case proposed, there are no longer other Tribunals of the first instance perhaps equally competent according to canon 1673, inasmuch as the first instance has been put to an end by the pronouncement of the definitive sentence;

3. Considering that, with the definitive sentence given in first instance in effect (that is, unless the sentence itself in a case of nullity of marriage has been found null):

- the parties cannot again introduce the same dispute before the same or another tribunal of the first grade of jurisdiction, for "not twice in the same matter" [*Ne bis in idem*],
- in consequence, the further examination of the merits of the same case belongs to the appellate tribunal of that forum which defined the matter in the first instance [cf. cc.1438- 1439; 1444, §1, 1°; 1632];

4. Noting that the tribunal of appeal must take up the same case not only after an affirmative sentence given in the first grade [cf. c. 1682], but also after a negative sentence given at the same level, either in the case of an appeal [cf. cc. 1628-1640], or when – the appeal having been omitted, deserted, preempted. or renounced – someone with an interest in the matter asks for a new examination of the same case [cf. c. 1643], and attending to the fact that in this last case new and grave arguments are not required, since canon 1644 only demands that a double conforming sentence be issued in the case of the status of persons, which is not verified in the case at hand;

5. According to the norm of canon 1440, the incompetence of the judge is absolute, if competence by reason of grade is not protected, and taking into account especially canons 1461 and 1620, Γ, and looking at canons 1459, §1; 1626. and 1654, §2;

6. Having studied the matter thoroughly, and noting that this Supreme Forum has also been informed of other cases of this sort, having heard the Promoter of Justice, in virtue of canon 1445, §1, Γ, we *declare*'.

- a. The same case of nullity of marriage, following a definitive sentence – even a negative one – cannot again be taken up in the same instance, unless perhaps it again be considered there due to complaint of nullity

of sentence.

- b. Should (he same or another forum nevertheless attempt this, its absolute incompetence is to be taken exception to by those interested in the matter or to be so declared *ex officio* by the judge, and any new sentence issued is to be considered irremediably null and can never be put into execution.
- c. The consideration of the merits of such a case of nullity of marriage, either in the case of an appeal or of a new proposal of the case, belongs only to the tribunal of appeal of that forum which defined the matter in the first instance.

Ap. Signatura, 3 June 1989, decree regarding competent forum for appeal after negative sentence in marriage nullity case in first instance (unofficial translation), *RRAO*(1989): 55-56; *Comm.* 21:117-118.

CANON 1439

Particular Legislation: Courts of Second Instance.

United States of America:

In accord with canon 1439, §2, the National Conference of Catholic Bishops, with the approval of the Holy Sec, will be willing to establish one or more courts of second instance when a petition for such establishment is submitted.

Approved: Administrative Committee. September 1983. Promulgated: Memorandum to All Bishops, October 21, 1983. www.ncchuscc.org/norms.

CANON 1443

Norms for Rotal Advocates, “*fasti iudicis*” 28 June 1988. /LAS 80 (1988): 1258-1261.

The Exercise of the Function of Legal Representative and Advocate
Before the Dicasteries of the Roman Curia

Following the words and examples of Jesus Christ, the just judge (2 Tim 4:8), the Church, from its beginnings, has pursued with special solicitude questions of the administration of justice, whether that which pertains to its own realm or that which is connected to these secular structures in which it must live its life and exercise its salville mandate, and in which the faithful must do the same. On the

one hand, in the sphere of the ecclesial community itself, which possesses its own juridic order, from the very earliest times physical and juridic persons have been assured access to ecclesiastical processes to protect their own spiritual goods or those goods connected with the spiritual, which pertain to it by divine and human law. On the other hand, the Church itself, in its structure, is bound by a certain need to demand the recognition and observance of its rights, even through the institute of judicial action.

The zealous disciple of him who “was made poor though he was rich” (2 Cor 8:9), has sensed as his own the necessity of defending the legitimate rights of the poor and the humble even in a judicial process. The burden of performing this function, which carries with it a certain ecclesial dimension, falls to legal representatives or advocates.

At the Holy See two institutes worthy of special praise have performed this role.

Saint Gregory the Great appointed seven defenders of the Church, from whom probably stems the origin of consistorial advocates.

In 1130 Innocent II entrusted to the procurators of the sacred apostolic palace the function of defending and safeguarding cases before himself. They were to charge the poor nothing for their services.

Benedict XII. with the apostolic constitution *Decens et necessarium* of October 26, 1340, established consistorial advocates and procurators of the sacred apostolic palace into two distinct colleges.

In the course of history these two colleges performed their function with such distinction and with great prudence, that they merited the recognition and privileges of the supreme pontiffs.

Now, however, in the context of the revision of the apostolic constitution of the Roman curia, and in order to complete the updating of which Vatican Council II gave principles and established ends, and which the *Code of Canon Law* has executed in what pertains to the juridical, it seemed appropriate to reorder entirely this matter in light of developments, also pertaining to the administration of justice, which the Church, obedient to its founder, has taken care to advance in defense and promotion of human rights.

Advocates Before the Roman Curia

Art. 1 – Besides royal advocates and advocates for the causes of saints, who continue to exercise their proper function as before according to the prescriptions of general law and the law proper to each dicastery, there is established before the Roman curia a general list of advocates who, at the request of interested parties, will undertake legal representation of cases before the Supreme Tribunal of the Apostolic Signatura and will offer their assistance in hierarchical recourse before the dicasteries of the Roman curia.

Art. 2 – The cardinal secretary of state, after having heard the commission stably established for this, is to take care that in the general list are ascribed the names of advocates who are endowed with the qualities which are listed in the following article.

Art. 3 – In order that one can be ascribed in the general list, it is necessary:

- 1) that one is distinguished by exemplary integrity of Christian life together with active participation in the ecclesial community according to one's proper vocation;
- 2) that one be endowed with a suitable theological formation and possess juridic doctrine, attested by appropriate academic titles joined with reliable professional expertise.

Art. 4 – Advocates, whose names are ascribed in the list, are bound by office to observe, besides those precepts of universal law related to this, the ethical norms of their own function (which are called “deontological”).

Art. 5 – § I. If one gravely violates the ethical norms of one's own function, the matter is to be deferred to the Supreme Tribunal of the Apostolic Signatura which will proceed *ex officio* to impose sanctions according to the norm of law, not excluding removal from the list, according to the gravity of the violations.

§2. If a canonical or civil penal process was begun against some advocate, while the process is pending, the advocate is to be suspended from the exercise of his/her function *ad cautelam*.

Art. 6 – § I. Moreover, they are removed from the list:

- 1) who notoriously defect from the Catholic faith;
- 2) who live in concubinage or are joined only in civil marriage or who otherwise persist in manifest grave sin;
- 3) who become members of associations of any kind which conspire against the Church;
- 4) who adhere to or who support associations or movements professing ideologies and practices contrary to the faith and Catholic moral teaching, or who defend propositions and projects of the civil order which are contrary to the precepts of the natural law and the Christian law;
- 5) who openly resist the doctrinal and pastoral teachings of legitimate ecclesiastical authority.

§ 2.. In these cases the matter is to be deferred to the Supreme Tribunal of the Apostolic Signatura which is to proceed *ex officio* to apply removal from the list according to the norm of the law.

Advocates of the Holy See

Art. 7 – There is to be established a body of advocates of the Holy See, taken especially from the advocates ascribed in the list, who can undertake the legal representation of cases before ecclesiastical or civil tribunals in the name of the Holy See or the Roman Curia.

Art. 8 – Advocates of the Holy See are to be named for a five year period by the cardinal secretary of state, after he has heard the commission mentioned in art. 2; they can be removed from their function for grave reasons. They cease from their function when they have completed the seventy fifth year of age.

Art. 9 – Advocates of the Holy See are bound by office to live an exemplary life according to the precepts of God and the Church, and to fulfill the functions entrusted to them with the greatest conscience of duty. Moreover, they must observe secrecy in cases and in business which they have transacted under the same secrecy.

Art. 10 – § 1. In exercising their function before the tribunals of the Roman Curia and Vatican City State, advocates of the Holy See succeed the members of the college of consistorial advocates and of the college of procurators of the sacred apostolic palace, which thus cease from these and other functions. Thus, the title, right and privileges attributed to the members of these colleges until now are abrogated.

§ 2. Those who currently are consistorial advocates and procurators of the sacred apostolic palaces retain entirely their title, rights, and personal privileges previously given to them by special norms.

Everything which is established by us in this letter given *motu proprio*, we decree to be valid and authoritative, anything to the contrary notwithstanding.

Given at Rome, at Saint Peter's, on June 28, 1988, the tenth year of our pontificate.

Sacred Roman Rota, "*histi iudicis*," 28 June 1988. AAS 80 (1988): 1258-1261.

CANON 1444

New Policy of the Roman Rota regarding cases from tribunals in the USA. Private.

Letter from Dean of Rota to President of NCCB, March 15. 1988:

Aware of the many pastoral problems and concerns faced by the Roman Catholic Church in the United States, I wrote on October 23, 1985 to His Excellency, (the Most Reverend James W. Malone, then President of the National Conference of Catholic Bishops. In that letter, I expressed my wish to strengthen

the friendly collaboration and support that has ever existed between the Tribunals of the United States and this Apostolic Tribunal, so that all of us will be of better service to the Church and its faithful people in the United States of America. This is the desire of our Holy Father, Pope John Paul II, for us all.

After discussing these matters in a meeting at the Rota on January 31, 1986, the Conference in its letter on February 10 of the same year set forth the points we had agreed upon concerning the sending of cases from the Tribunals of the United States to the Roman Rota:

1. Six good photocopies of the Acts are to be sent to the Rota.
2. The Rota will assign cases to judges who are knowledgeable in English.
3. The Rota will assign advocates on an *ex officio* basis.
4. The U.S. Tribunal will send a stipend of \$400-500 to the Rota. This will take the place of any advocate fees or additional expenses.

Unfortunately this project was for some reason not then carried out. At a cordial meeting I was happy to have with Archbishop John May, now President of the National Conference of Catholic Bishops, Archbishop Daniel Pilarczyk, Vice-President, and Monsignor Daniel Hoyer, General Secretary, we all agreed that the steps earlier agreed upon should be put into effect without further delay, at least *ad experimentum*.

Accordingly, I am writing today to ask that the Conference inform the Tribunals in the United States of this initiative, to be in effect on and after the date of the Conference's letter of instructions to the said Tribunals. The following should be noted:

- a. Given international postal rates today, and the difficulty of mailing parcels, the Tribunals may prefer to furnish *one* clearly legible copy of the acts (with its index and certificate of authenticity) ready for photocopying. The Rota would then see to the duplication of the acts in the necessary quantity.
- b. The provision of advocates *ex officio* is without prejudice to the rights of the parties to select advocates themselves and to remunerate them according to a schedule of fees they agree upon.
- c. If, in a given case, the parties are unable to sustain the stipend of \$400-500 dollars mentioned above, they may apply for gratuitous patronage according to the usual norms.

In undertaking the implementation of this experimental project, it is my hope that we may all benefit from an easier and more rapid handling of the cases that come to the Rota from the United States, and from a deeper and more thorough understanding of the Church's jurisprudence, to enhance even more that unity Christ prayed would mark His Church.

Notification from NCCB President to diocesan bishops, April 8, 1988:

In January 1986 and again in February 1988 the leadership of the NCCB, while in Rome for their annual visit, met with the Most Reverend Ernesto Fiore, Dean of the Rota, at his invitation. The purpose of the meetings was to discuss areas of common concern and “to strengthen the friendly collaboration and support that has ever existed between the Tribunals of the United States and this Apostolic Tribunal” (cf. attached letter March 15, 1988, Prot. No. 612).

During these conversations, Monsignor Fiore informed me of special norms or guidelines that the Rota was suggesting for use in processing cases from the United States for the purpose of improving the handling of these cases at the Rota.

The following are the agreed upon norms which are hereby promulgated *ad experimentum*:

1. Six good photocopies of the Acts are to be sent to the Rota. Given international postal rates today, and the difficulty of mailing parcels, the Tribunals may prefer to furnish *one* clearly legible copy of the acts (with its index and certificate of authenticity) ready for photocopying. The Rota would then see to the duplication of the acts in the necessary quantity.
2. The Rota will assign cases to judges who are knowledgeable in English.
3. The Rota will assign advocates on an *ex officio* basis. This provision is without prejudice to the right of the parties to select advocates themselves and to remunerate them according to the schedule of fees they agree upon.
4. The U.S. Tribunal will send a stipend of \$400-500 to the Rota. This will take the place of any advocate fees or additional expenses. If, in a given case, the parties are unable to sustain the stipend of \$400-500. they may apply for gratuitous patronage according, to the usual norms.

Please share this information with the appropriate personnel in your (arch)diocese.

Correspondence from the Dean of the Roman Rota and the President of the NCCB. *RRAO* (1988) 25-27.

A case admitted to the full process upon appeal in the Second Instance» 10 February 1988. Private

I. The sentence – which declared the nullity of marriage due to a lack of due discretion on the part of both parties – does not appear to be based on a solid juridic foundation.

According to canon 1095, 3º: “They are incapable of contracting marriage: [. . .] who are not capable of assuming the essential obligations of matrimony due to causes of a psychic nature.”

But this incapacity – as the Supreme Pontiff especially emphasized in his Allocutions to the Roman Rota both this year and last year – must be *serious* (emphasis original), in the sense that it implies a true *impossibility*' (emphasis original), and not merely a difficulty, of assuming the obligations of matrimony.

Furthermore, such incapacity, to render a marriage null, must be antecedent to the marriage and operating at the very moment when marital consent is given.

The acts of this case scarcely seem to prove the presence of such invalidating incapacity. The appealed sentence really contains no logical and juridical argumentation; it limits itself to referring to the report of the expert, without subjecting this to a critical examination, and affirming that this opinion is fully corroborated in the Acts. However, the expert's report does not seem to agree with many things which are found in the Acts,

2. Taking all this into account, the Auditors are of the opinion that the case needs fuller proof, and therefore they have decreed: that the affirmative sentence given by the Tribunal of Hippo on June 11, 1987 is not to be immediately confirmed, but the case is to be remitted to the ordinary examination in the Second Instance.

Rotal Auditors. 10 February 1988. decree. *RRAO* (1988): 27-28.

CANON 1445

Concerning the forum of proofs, 27 April 1989. AAS 81 (1989): 892-894.

Supreme Tribunal of the Apostolic Signatura

Declaration

Concerning the forum of most of the proofs:

The Reverend Judicial Vicar of Forum A has transmitted here a copy of a letter which he gave to the Adjunct Judicial Vicar of the regional tribunal on December 30, 1988.

The Supreme Tribunal of the Apostolic Signatura by force of canon 1445, §3,
1°

After considering the opinion of the Substitute Promoter of Justice, and after hearing the two voters;

After the matter had been carefully examined before the undersigned Cardinal Prefect,

Declares concerning the matter:

I. First it should be recalled that the tribunal of the place in which in fact most of the proofs has been collected is not the competent forum in law unless indeed the conditions mentioned in canon 1673,4° are verified, or "consent is given by the judicial vicar of the domicile of the respondent, who is first to ask if the respondent has any exception to make."

When these conditions have not yet been fulfilled, the tribunal although truly of most of the proofs, cannot legitimately proceed (cf. c. 127, §2), e.g., to summon the other parties to trial, to establish the doubts, etc.

The concession of the consent of the judicial vicar of the respondent must be positively evident. This concession is unable to be presumed, e.g., because of a lack of response on the part of the judicial vicar within terms established by the one who seeks the consent.

2. The forum of most of the proofs is not able to be considered of itself the forum where only the witnesses introduced by the petitioner are found. Proofs concerning the matter which are offered either by the respondent or are collected "*ex officio*" must be considered.

Neither should the forum of this kind be that one in whose jurisdiction *some* proofs are able to be collected, but it must be done in the tribunal of that place in which in fact *most* of the proofs have been collected.

In this case the *number* of proofs not only must be considered but also their *importance*. Since a diligent investigation of the truth is especially required in cases concerning the nullity of marriage (cf. John Paul II. *Allocution to the Roman Rota*, [26 January 1989 J. No. 8) the tribunal in these cases is never able to prescind from the proofs of greater importance which directly relate to the time immediately before and after the beginning of the marriage. For this reason, if the parties came to know each other, entered into marriage and then lived in a certain diocese for years, with difficulty is a tribunal of another diocese able to be considered the forum "of the place in which in fact most of the proofs must be collected" (c. 1673, 4°).

Finally a particular tribunal is not able to be considered the forum mentioned in canon 1673, 4°, insofar as most of the proofs are found in its national territory, but it ought to be done in the forum "of the place in which in fact most of the proofs must be collected."

3. In determining who would be the judicial vicar of the respondent, the

response of the Pontifical Commission for the Authentic Interpretation of the Code of Canon Law of 28 February 1986 regarding canon 1673, 3° (AAS 78 [1986] 1323) must be consulted, for that same wording mentioned in the response is present also in canon 1673,4°.

4. All “whose consent is required, are obliged to offer their opinion sincerely” (c. 127, §3). Accordingly the judicial vicar of the respondent attentively ought to weigh the circumstances of the case in accord with his own conscience before he grants or refuses the consent mentioned in canon 1673,4°. For this reason he also enjoys the right in the first place of accepting or collecting all necessary information concerning the matter in order that with sufficient investigation he is able to form an opinion on the matter for himself. This investigation of the matter moreover requires that he is able rightly to question the respondent. Therefore the insistence of the same judicial vicar by whom such information is sought, should not be considered as a sign of suspicion of the one seeking the consent mentioned in canon 1673, 4°, but on the contrary it should be taken as entirely legitimate.

In order to grant or refuse consent, the judicial vicar of the domicile of the respondent must especially weigh the difficulties for the respondent of self-defense before the other tribunal, e.g., on account of a difference of language, great distance, etc. The right of defense not only requires that a party be heard, but also the same party, if it is desired, would be able in fact to be acquainted with the petitions, proofs and arguments put forth either by the other party or “*ex officio*” and object to these appropriately (cf. John Paul II. *Alloc, cit.* n. 3).

Wherefore the judicial vicar of the respondent is never to omit the due consideration of the reasons why the respondent opposes.

When these things are explained it seems evident why the respondent must first be asked “if that person has any exception to make” by the judicial vicar of respondent’s own domicile, not however by the judicial vicar of the Tribunal which asserts to be the forum of most of the proofs.

Of itself it belongs to the tribunal which is approached as the forum of most of the proofs to determine whether it is truly this forum or not. Nevertheless the consent from the judicial vicar of the respondent mentioned in canon 1673, 4°, is not to be given if it appears to him in a particular case that it is not coming from the forum in which in fact most of the proofs are to be collected.

5. Finally the obligation of the judicial vicar of the respondent of first asking “if that person has any exception to make” by its very nature includes the right of the respondent to seek and obtain the requisite information concerning the matter.

e.g. information concerning the presented reason for nullity, the proposed proofs, etc.

Ap. Signatura, Declaration: unofficial translation 27 April 1989. AAS 81 (1989): 892-894

Competence concerning refugees from Vietnam. Private.

Letter of judicial vicar to Apostolic Signatura, November 14, 1985:

I write to you to request competence for the Diocesan Tribunal of the Catholic Diocese of N.N. to hear the marriage nullity case of Thanh and Xung. Thanh (the petitioner) is a refugee from South Vietnam, who presently has domicile in the Catholic Diocese of N.N. Xung (the respondent) presently lives in Anbang Catholic parish in the Diocese of Hue in Vietnam. The priest advocate for the petitioner is Father Nguyen, who is a Catholic priest working with the Vietnamese community here in N.N.

The marriage between Thanh and Xung took place in 1954 in Anbang parish. Hue, Vietnam, before a Catholic priest. At the time of marriage the petitioner was 17 years old; the respondent was 18 years old. The petitioner alleges that he was forced into this marriage by his family and the family of the respondent. He alleges that this was an "arranged marriage," which occurred while he was home on military leave.

Immediately after marriage, the petitioner again went away to serve in the Vietnamese army. This marriage never had what could be termed normal cohabitation. It ended in civil divorce in 1960. There were no children born of this marriage.

The petitioner remarried civilly in 1961. Since that time both the petitioner and his present common-law wife have immigrated to the United States. They now have 10 children from this union. They earnestly desire full sacramental participation in the Catholic Church.

In order for the Catholic Diocese of Antioch to adjudicate the marriage nullity petition between Thanh and Xung we will need your assistance in obtaining competence. Canon 1673, §4 states that the tribunal of proofs is competent provided that the Judicial Vicar of the respondent gives consent after hearing the respondent. Clearly the Diocese of N.N. is the forum of proofs in this case. However, communication between the Diocese of N.N. and the Diocese of Hue and the respondent is impossible because of the international political situation. This is further explained in a letter from Rev. Nguyen dated November 7, 1985.

Since it is impossible for the Diocese of N.N. to communicate with the Diocese of Hue in Vietnam, we humbly beseech the Apostolic Signatura to grant such competence to the Diocesan Tribunal of the Diocese of N.N. in the case of Thanh and Xung.

Response of Apostolic Signatura:

Considering the inquiry of November 14, 1985, by which the Judicial Vicar of N.N., acting in the name of the petitioner in the case noted above, seeks a prorogation of competence, that this case may be introduced before his Tribunal rather than before the forum competent by law, located in Vietnam;

Noting the present impossibility of adjudicating the plea in that nation;

Considering that the petitioner in the case cannot be denied the possibility of bringing the matter of her marriage before the judgment of the Church;

Noting also the difficulties of adjudicating the matter in the Diocese of N.N., due both to the difficult collection of proofs and to the fact that it concerns of faithful coming from a distant land, in which the circumstances of life and culture are vastly different;

Noting the decree of this Apostolic Signatura given in a similar case on August 11, 1980;

The Supreme Tribunal of the Apostolic Signatura decrees: The prorogation of competence that is sought is to be granted, with this in mind [*Ad mentem, Mens est.*]

- a) The Tribunal shall hear the case with a college of three judges.
- b) Efforts shall be made that the respondent and his witnesses may be heard.
- c) Should the case present special problems, the Apostolic Signatura is to be consulted.
- d) The precautions proposed by the Archbishop of Hanoi for such cases are to be followed, to wit:
 1. Note the fact that the young Vietnamese who are resident now in the United States cannot easily obtain declarations of nullity of their marriages in order to be free of their spouses who have retained residence in Vietnam and take another spouse in the United States.
 2. The American Tribunal must do all possible to obtain all the necessary information relative to the case to be treated and particularly information concerning the respondent, in order to guarantee her the right of defense and assure the truth of the matter. This is to be done via the Holy See, through the Sacred Congregation *de Propaganda Fide*.
 3. In the request for necessary information as well as in the communication of decisions rendered, it is necessary to write all of the proper names of persons and places in Vietnamese transcription, with special attention to accent marks; otherwise it will be very difficult to identify them.
 4. Besides, it is necessary to indicate the domicile or place of residence of the respondent as well as the place of marriage; Diocese, city, parish.
 5. With these precautions we will be able to collaborate with the foreign Tribunal for the good of the faithful.

Exchange of correspondence between judicial vicar and Apostolic Signatura. November-December 1985. 1986): 30-33.

Simpler grant of competence for Vietnamese case. Private.

Letter of judicial vicar to Apostolic Signatura, August 12, 1987:

A dispensation from the provisions of canon 1673, 3° is requested in the case of Due (petitioner) and Minh (respondent), both Catholic, so that the Tribunal of Antioch can assume competence for this matrimonial case.

The petitioner has established a domicile in Antioch while the respondent continues to have her domicile in Thuan Hai (formerly known as Binh Tuy), South Vietnam. The petitioner came to the United States in 1983. The respondent refused to leave Vietnam because she was in love with another man with whom she now lives.

This marriage took place before a priest on October 13, 1970. in Thanh Xuan, South Vietnam. During the marriage they never established a home of their own. The respondent lived with her parents while the petitioner was in the Vietnamese Army from November 1, 1970, until the fall of South Vietnam to the Communists in 1975. The petitioner was then detained in a prison in Vietnam from 1975 until 1980 during which time the respondent continued to live with her parents. The petitioner and respondent did not resume a common life after his release from prison as the respondent refused to live with him. In 1982 the petitioner escaped from Vietnam. The petitioner obtained a civil divorce in Antioch on August 19, 1986.

This marriage was arranged by the families of both parties. The two families selected the petitioner and the respondent as the parties for this marriage. The petitioner and respondent were acquainted with one another for only one month before the marriage. The mother of the petitioner was determined that the petitioner be married before he entered the Army. The parents of the respondent were intent that the respondent marry the petitioner in particular. The respondent especially was very immature in entering this marriage. Neither party was ready for this marriage.

The reasons for requesting that the Tribunal of Antioch be given competence to assume this case are that some of the most knowledgeable witnesses live in Antioch and can, therefore, more easily be interviewed by this Tribunal. The petitioner is uncertain whether there is a functioning Tribunal in Vietnam locally where the marriage took place or where the respondent lives.

The petitioner, an honest and sincere man has approached the Church Tribunal in good faith regarding his matrimonial case. According to the petitioner, the respondent has no objections to him initiating a matrimonial case before this Tribunal.

Response of Apostolic Signatura:

Considering the request of August 12, 1987, whereby the Judicial Vicar of Antioch requested, for the Petitioner in the case noted above, a prorogation of competence that this case might be introduced before his Tribunal rather than before the forum competent by law, which is located in Vietnam;

Noting the present difficulty of trying this case in that Nation;

On the other hand, attending to the fact that the Petitioner cannot be denied the possibility of submitting the case of his marriage to the judgment of the Church;

Since it is proper that the Respondent be given full possibility of defending herself and bringing forward her own proofs;

Considering also how very difficult it will be to try the case in Antioch, due both to the difficult collections of proofs and to the fact that the case concerns the faithful coming from a distant nation, in which the circumstances of life and culture are vastly different;

Having considered the decree issued by this Apostolic Signatura on August 11, 1980, in a similar case, the Supreme Tribunal of the Apostolic Signatura decrees that prorogation of competence which has been requested is conceded, with these provisos:

- a) The Tribunal shall judge the matter with a college of three Judges;
- b) Every effort shall be made that not only the Respondent but also her witnesses be heard, and also that all information regarding the case be opportunely sought out.

Exchange of correspondence between judicial vicar and Apostolic Signatura (unofficial translation), 1987, *RRAO* (1988): 22-24.

Competence concerning the People's Republic of China. Private.

Letter of judicial vicar to Apostolic Signatura, April 9, 1987:

I am writing to request approval and competence to investigate for possible declaration of nullity a marriage involving Ling, now a resident of the Archdiocese of Hippo, and Deng, who resides in Chang Chow. The People's Republic of China.

Ling is a Catholic from birth; Deng is not a Catholic. They went through the prescribed civil form of marriage. March 19, 1968 in Shanghai, China. There were serious problems throughout the marriage, which ended when Ling came to the United States in 1980.

For reasons of conscience she now asks that the marriage be declared null and that Deng not be contacted because "any effort of the Catholic Church to contact him could be used as a weapon against my family." Two sisters and a brother remain in China. Her parents and a third sister reside in the Archdiocese of Hippo

and can serve as witnesses.

May the Tribunal of Hippo declare itself competent to do the case? May the case be done without attempting to cite or question the respondent?

Response of Apostolic Signatura, June 27, 1987:

We note the present difficulty of pursuing this case in that nation [i.e., China],
On the other hand, the petitioner cannot be denied the possibility of submitting the case of her marriage to the judgment of the Church.

However, the respondent must also be given the opportunity of defense and of bringing forward his own witnesses.

We must also consider the fact that it will be very difficult to treat the case in the Archdiocese of Hippo, due both to the difficult collection of proofs and to the fact that they will be dealing with the faithful from a far distant nation, in which the circumstances of life and culture are very different.

We take note of a decree given in another case by this Supreme Tribunal on August 11, 1980.

The prorogation of competence which has been sought is granted under these conditions:

- 1) The Tribunal of Hippo will treat the matter with a College of three Judges;
- 2) Efforts are to be made that not only the respondent but also his witnesses be heard, and all information concerning the case is to be sought out [cf. c. 1528].

Exchange of correspondence between judicial vicar and Apostolic Signatura (unofficial translation), 1987, *RRAO* (1989): 35-37.

Competence concerning the U.S.S.R. Private.

Letter of judicial vicar to Apostolic Signatura, November 10, 1987:

I am writing to you to request competence for the Diocese of Hippo Tribunal for the above case. The petitioner, Keith, a Catholic and a former seminarian, after graduating from college in languages was sent by his employer to Russia to do a special project. While in Russia and having little dating experience he began dating a Russian female interpreter, Sofia, a Soviet Russian in April 1981. Every time he came to Russia, he would date this female interpreter. After some time they began making preparations for marriage, which took over a year for approval with the American Embassy and the Russian civil government. During this time the woman became pregnant. The petitioner had his pastor in his home town parish seek permission from the resident bishop of Hippo to grant a dispensation from Catholic form to have the marriage performed by the Russian civil authorities. The

marriage was performed civilly by the Russian civil authorities on October 8, 1983 at Kuibyshev Region, Syzran. USSR. Their son, Keith Jr., was born two days after the wedding on October 11, 1983.

The petitioner commuted between Russia and the United States many times before and after the marriage. His wife came to America twice for two short visits. Because of different cultures, societies, habits and countries, his wife suggested a divorce. The petitioner obtained a divorce in Hippo on July 22, 1986.

In order for the Diocese of Hippo Tribunal to adjudicate the marriage nullity petition between Keith and Sofia, this Tribunal will need your assistance in obtaining competency. Canon 1673, 4° states that the Tribunal of Proofs is competent provided that the respondent's area judicial vicar gives consent after hearing the respondent. The Diocese of Hippo Tribunal is the forum of proofs in this case. Since there is no diocese in Russia and the mail to the respondent is questionably received because of the international political situation, this Tribunal humbly asks the Apostolic Signatura to grant such competence to this Diocese of Hippo Tribunal.

Response of Apostolic Signatura, December 18, 1987:

On November 10, 1987, we received a request from the Judicial Vicar of Hippo. In the name of the petitioner in Keith-Sofia, he asked an extension of competence, so that this case could be introduced before his Tribunal, which he believes would be the forum of most of the evidence, citing canon 1673, 4°.

First it should be noted that the Hippo Tribunal cannot be considered the forum in which most of the evidence would actually be gathered, in the sense of canon 1673, 4°, for the marriage was celebrated in Russia, and that is the residence of the respondent, who traveled to the U.S.A, "only twice for two short visits";

However, considering that it is very difficult to process a case in Russia;

Acknowledging that the petitioner cannot be denied the possibility of submitting the case of his marriage to the judgment of the Church;

Noting that the petitioner has residence within the jurisdiction of the Hippo Tribunal;

Judging that the many and varied conditions of life and culture which led the parties to separate, by no means establish the ground of the nullity of the marriage;

The Supreme Tribunal of the Apostolic Signatura by virtue of canon 1445, §3, 2°, grants the requested extension of competence under these conditions:

1. The Hippo Tribunal make efforts to cite, and hear the respondent and her witnesses.
2. The Hippo Tribunal exercise particular care in the case, referring to Rotal jurisprudence and the papal allocution of February 5, 1987 (*Osservatore*, [February 6, 1987]).

3. Should the respondent have any objection to the competence of the Hippo Tribunal, its Judicial Vicar is to submit the objection to the judgment of the Signatura.

Exchange of correspondence between judicial vicar and Apostolic Signatura (unofficial translation). 1987, *RRAO* (1989): 37-38.

Grant of competence for Greek Orthodox in Australia. Private.

Noting that the matter concerns the marriage of two non-Catholics, members of the Orthodox Church,

Taking into account that the marriage was celebrated in Lebanon, where the respondent is domiciled,

Attending to the difficulty of introducing and pursuing a case in that nation;

Considering that the petitioner and some witnesses are domiciled in the jurisdiction of the Metropolitan Tribunal of Koala;

Acting under canon 1145, §3, 2° the Supreme Tribunal of the Apostolic Signatura concedes the prorogation which is requested, under these conditions:

1. The Metropolitan Tribunal of Koala will take measures to cite and to hear the respondent and her witnesses;
2. The forum will take *special care*, not omitting the collection of proofs for or against the nullity of marriage through rogatorial letters to Lebanon, to achieve that moral certitude discussed in canon 1608.

Apostolic Signatura. 20 June 1986. letter to judicial vicar in Australia (unofficial translation), *RRAO* (1990): 36-37.

Grant of competence for Catholic Copts in the United States. Private.

Letter from judicial vicar to Apostolic Signatura, March 1, 1990:

M.M. [a baptized member of the Coptic Catholic Church of Egypt] wishes to remarry in the Catholic Church. He is presently attending Mass and receiving the sacraments on a regular basis at St. Andrew Roman Catholic Church in Perge, within this archdiocese. He has no intentions of returning to Egypt. Since there is no Catholic Coptic hierarchy established in the United States, the petitioner has nowhere to turn to introduce a petition for annulment other than in Egypt. Due to his present circumstances, it would be morally impossible for him to do so. Hence, for the spiritual welfare of M.M., who is presently residing in the Archdiocese of Smyrna and attending a Roman Rite church, we present this petition to you with the request that the necessary jurisdiction be granted to the Metropolitan Tribunal of Smyrna to process this case.

Letter of Apostolic Signatura to the Coptic Catholic Patriarch in Egypt, March 22, 1990:

This Supreme Tribunal has received a letter – photocopy attached – dated March 1, 1990, wherein the judicial vicar of Smyrna seeks, on behalf of the petitioner in the case noted above, a prorogation of competence, that this case might be introduced before his own tribunal rather than before your forum which is uniquely competent.

Noting that the marriage in question was celebrated in that city of Cairo, where the respondent is domiciled, and that the parties in the case belong to the Catholic Coptic Rite, I ask Your Beatitude to inform this Apostolic Signatura whether the Cairo Tribunal of the Copts is prepared to handle the case, and, insofar as the response may be in the negative, before which tribunal in the nation of Egypt the case can be heard.

If there be no tribunal in that nation before which the case can be introduced, we ask that you make inquiry of the respondent, to determine whether she assents or dissents about the prorogation asked by the tribunal of Smyrna. Insofar as she dissents, let her be invited to explain the reasons for her dissents.

Letter of Coptic Catholic Patriarch to judicial vicar, March 31, 1990:

Inasmuch as both parties in this case are of our Coptic Catholic rite, and since we have no Coptic Catholic bishop in the U.S.A, (although we have two priests of the Coptic Catholic rite in Antioch and a third in Perge), I give you my full consent that the ecclesiastical tribunal of the Archdiocese of Smyrna has all juridic competence to judge the marriage case of M.M. and N.N.

Decree of Apostolic Signatura, April 27, 1990:

His Beatitude, the Patriarch, has been questioned in the matter.

It does not seem possible to handle the case in a tribunal of Egypt.

The woman respondent most probably has given her consent.

The circumstances of the case are most peculiar.

By reason of the apostolic constitution *Pastor bonus*, art. 124, n. 3, it is decreed:

The prorogation of competence that has been petitioned is granted, with these conditions:

- I. The tribunal of Smyrna will treat the case with special care, with a college of three judges, and all the proofs, whether for or against the nullity of the marriage, shall be diligently considered, to achieve that moral certitude

discussed in canon 1608;

- 2. The rights of the respondent are to be carefully protected, and the witnesses heard whom she wishes to introduce (cf. the allocution of the Roman Pontiff, January 26, 1990, *AAS* 81 [1989], pp. 922-927);
- 3. H and insofar as a double conforming sentence be issued in the affirmative, the man petitioner is not permitted to enter a new marriage in the Church, unless it first be clear, having heard His Beatitude, the Patriarch, in the matter, that he is fulfilling the natural obligations arising from the prior union.

Exchange of correspondence between U.S. judicial vicar. Apostolic Signatura and Coptic patriarch (unofficial translations), 1990, *RAAO* (1990): 37-39.

Denial of cross-ritual grants of competence. Private.

Questions from judicial vicar to the Apostolic Signatura:

- 1. Can a Latin Rite Tribunal extend competency to an Eastern Rite Tribunal to accept a petition of nullity of a marriage, both parties being of the Latin Rite and married in the Latin Rite Church?
- 2. Conversely, can an Eastern Rite Tribunal, e.g., that of the Archeparchy of Carthage, extend competency to a Latin Rite Tribunal to adjudicate a case for any of the reasons noted in canon 1673?
- 3. a) May a non-Catholic married to a Latin Rite Catholic in the Latin Rite Church, present a petition of nullity to an Eastern Rite Tribunal?
b) Is the Latin Rite Tribunal in whose jurisdiction such a marriage was observed able to extend competency to an Eastern Rite Tribunal?

Response from Apostolic Signatura:

To 1 and 3B:

Considering canon 135, §3. of the *Code of Canon Law* for the Latin Church. Noting also canons 1418; 1445, §3, 2°; and 1469, read in conjunction with canon 136;
Equally noting canons 1 and 1673;

To 2 and 3A:

Paying attention to canon 7 of the *motu proprio Sollicitudinem nostram* and equally the introduction and article IV of the *motu proprio Cum matrimonialium*, – the response to all must be in the *negative*.

Change of venue denied in the third instance. Private.

(The case has received negative findings both in the First and Second Instances. In its reply, the Apostolic Signatura made these points (Latin original; unofficial translation)J:|

We note that valid reasons are not given for the favor asked. We also note canon 90, § 1.

There are Rolal Auditors fluent in the English language. The sentence in the Second Instance was given on January 7, 1987, and the favor was asked only in April 1988.

Finally, only the parties are to blame that the case has not already been investigated in the third grade of jurisdiction.

Ap. Signatura (unofficial translation). 1987. reply to request for designation of third instance tribunal in the U.S., *RRAO* (1988): 24-25.

CANON 1446

Address to the Roman Rota, pastoral aspect of canon law, 18 January 1990. AAS 82 (1990): 872-877.

The solemn inauguration of the Roman Rota's judicial year gives me the recurring and welcome opportunity to express my warmest appreciation and encouragement for the work you are engaged in, dear brothers, both as judges and in other roles connected with the administration of justice in this apostolic tribunal. In greeting you with affection, I wish to have you share in my concern as pastor of the universal Church for the jurisdictional work of ecclesiastical tribunals, since I know well the efforts of those dedicated *ex professo* to this service of God's People.

Using as a starting point the clear words of the dean on the role of the judge in the Church. I feel it is opportune to discuss more thoroughly a topic which, since the Second Vatican Council, has been at the center of legislative activity, jurisprudence and canonical doctrine. This topic is *the pastoral aspect of canon law* or, to put it in other terms, *the relationship between pastoral ministry and law in the Church*.

The pastoral spirit which the Second Vatican Council strongly insisted on in the

Editor's Note CLSA has frequently reported on attempts – some successful, some not – by American Sees to have a Third Instance Tribunal designated in the United States in a particular case, rather than the Roman Rota [*Roman Replies*. 1981. pp. 19-21; 1982, pp. 16-17; 1983, pp. 10-13; *Roman Replies and CISA Advisory Opinions*. 1984. pp. 10-12; 1985, pp. 12-16; 1986. pp. 33-34]

context of the theology of the Church as communion, brought out especially in the dogmatic constitution *Lumen gentium*, characterizes every aspect of the Church's being and activity. The Council itself, in the decree on priestly formation, expressly directed that, in teaching canon law, attention is to be paid to the Mystery of the Church, according to the dogmatic constitution *De Ecclesia*,¹ that applies *a fortiori* to its formulation, as well as to its interpretation and application. *The pastoral nature of this law*, that is, its function within the salvific mission of the pastors of the Church and the entire People of God. *thus finds a solid basis in conciliar ecclesiology*, according to which the visible aspects of the Church are linked inseparably to the invisible ones, forming a single unified whole, comparable to the mystery of the incarnate Word.² On the other hand, the Council did not fail to draw many *practical consequences* from this pastoral character of canon law. by taking concrete measures to ensure that canonical laws and structures might always be more suited to the welfare of souls.'

From this vantage point, it is opportune to pause to reflect on a mistaken idea. It is an understandable one, perhaps, but not thereby less harmful; unfortunately it often conditions one's view of the pastoral nature of Church law. This distortion lies in attributing pastoral importance and intent only to those aspects of moderation and humanness in the law which are linkable immediately with *aequitas canonica*: that is, holding that only the exceptions to the law, the potential non-recourse to canonical sanctions and proceedings, and the streamlining of judicial formalities have any real pastoral relevance. One thus forgets that justice and law in the strict sense – and consequently general norms, proceedings, sanctions and other typical juridical expressions, should they become necessary – are required in the Church for the good of souls and are thus intrinsically pastoral.

The third principle in that sort of decalogue of principles approved by the First Assembly of the Synod of Bishops in 1967, and afterwards adopted by the legislator to serve as a guide in the work of drafting the new code,⁴ did not begin merely by chance with these evocative statements: "The sacred and organically structured nature of the Church community makes it clear that the juridical character of the Church and all her institutions are ordered to foster supernatural life. Thus the juridical organizations of the Church, the laws and precepts, the rights and duties that flow from it, must contribute to the supernatural end."⁵ Addressing again that principle, my esteemed predecessor Paul VI. in the course of his broad and profound teaching on the meaning and value of law in the Church.

¹ Cf. Deer. *Optatam Totius*, n. 16

² Cf. dogmatic constitution *Lumen gentium*, n. 8.

³ Cf. eg., decree *Christus Dominus*, passim

⁴ Cf. *Principia quae Codicis iuris Canonici recognitionem dirigunt* in *Communicationes*, 1 [1969], pp. 79-80

⁵ Cf. *ibid.*, pp. 79-80.

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expressed the link between life and law in the Mystical Body in this way: “The life of the Church cannot exist without juridical structure, since, as you well know, the Church – a society instituted by Christ which is spiritual but also visible, which is built up by means of word and sacrament, and whose purpose is to bring salvation to humanity – needs this sacred law, in conformity with the Apostle’s words: ‘Let everything be done properly and in order’ (1 Cor 14:40).”⁶

The *juridical* and the *pastoral* dimensions are united inseparably in the Church, a pilgrim on this earth. Above all, *one aspect of their harmony* emerges from their common goal: *The salvation of souls*. But there is more. In effect, *juridical-canonical work* is *pastoral* by its very nature. It constitutes a special participation in the mission of Christ the Shepherd and consists in bringing into reality the structures of justice within the Church that Christ himself desired. Pastoral work, in its turn, while extending far beyond juridical aspects alone, always includes a dimension of justice. In fact, it would be impossible to lead souls towards the Kingdom of God without that minimum of love and prudence which is found in the commitment to ensuring that the law and the rights of all in the Church are observed faithfully.

It follows from this that any opposition between the pastoral and the juridical dimensions is misleading. It is not true that, to be more pastoral, the law should become less juridical. Surely, the very many expressions of that flexibility which have always marked canon law, precisely for pastoral reasons, must be kept in mind and applied. But the demands of justice must be respected also; they may be superseded, but never denied. In the Church, true justice, enlivened by love and tempered by equity, always merits the descriptive adjective “pastoral.” There can be no exercise of pastoral love which does not take account, first off, of pastoral justice.

It is necessary to try to understand better the *harmony between justice and mercy*, a topic very dear to both the theological and canonical traditions, *lute indicans misericordiam cum iusticia servat*, reads one of the summary headings of Master Gratian’s *Decretum*. And St. Thomas Aquinas, after having explained that, in forgiving people’s offenses, divine mercy does not act against justice, but rather above and beyond it, concluded that. *Ex quo patet quod misericordia non tollit iustitiam, sed est quaedam iustitiae plenitudo*

Convinced of that, ecclesiastical authority is attentive that its actions conform to the principles of justice and mercy, even when it treats cases concerning the validity of a matrimonial bond. It thus takes note, on the one hand, of the great difficulties facing persons and families involved in unhappy conjugal living

⁶ Cf *Allocutio membris Pontificiae Commissionis Iuris Canonici recognoscendo, plenarum coetum habentibus*. May 27. 1977, in *Communicationes*, 9, [1977], pp. 81-82.

7D 45. c. 10.

⁷ *Summa Theologiae*. I. q. 21. a. 3, ad 2.

situations and recognizes their right to be objects of special pastoral concern. But it does not forget, on the other hand, that these people also have the right not to be deceived by a sentence of nullity which is in contrast to the existence of a true marriage. Such an unjust declaration of nullity would find no legitimate support in appealing to love or mercy, for love and mercy cannot put aside the demands of truth. A valid marriage, even one marked by serious difficulties, could not be considered invalid without doing violence to the truth and undermining thereby the only solid foundation which can support personal, marital and social life. A judge, therefore, must always be on guard against the risk of misplaced compassion, which would degenerate into sentimentality, itself only pastoral in appearance. The roads leading away from justice and truth end up in serving to distance people from God, thus yielding the opposite result from that which was sought in good faith.

Contrariwise, the work of defending a valid marriage represents the *protection of God's irrevocable gift* to spouses, to children, to the Church and to civil society. Only by respecting this gift is it possible to find eternal happiness and its foretaste in time; it is granted to those who conform by God's grace to God's will, which is always kind, even when at times it can seem to be exacting. It must be kept in mind, then, that the Lord Jesus did not hesitate to speak of a "yoke," inviting us to take it up, and comforting us with this merciful assurance: "My yoke is easy, my burden light."⁹

What's more, canon 1676, a norm which is not to be taken as a mere formality, is to be applied faithfully as a very important expression of pastoral concern for spouses experiencing difficulties: "Before accepting a case and whenever there seems to be hope of a successful outcome, the judge is to use pastoral means to induce the spouses, if at all possible, to convalidate the marriage and to restore conjugal living."

Canonical procedural law also shares the pastoral character of Church law. In this regard, the words of Paul VI in his last discourse to the Roman Rota remain as contemporary and effective as ever: "You are well aware that canon law as such, and consequently trial law which is a part of it, in its inspiring motives is part of the plan of the economy of salvation: *salus animarum* being the supreme law of the Church."¹⁰

The institutionalization of that instrument of justice called the trial represents a gradual victory for civilization and for respect of human dignity; the Church herself has contributed to this in no small way through the canonical trial. In so doing, the Church has not denied her mission of love and peace; rather she has merely set up an adequate means for ascertaining the truth which is an indispensable condition for justice, rooted in love, and thus also for true peace. It is true

⁹ Mt 11:30.

¹⁰ *Allocutio ad Tribunalis Sacrae Romanae Decanat Prelatos Auditores, Officiales ed Advocatos ineunte anno iudiciali*, January 28, 1978. in AAS 70 [1978], p. 182.

that, if possible, trials are to be avoided. Still, in determined cases, they are required by law as the most suitable way to resolve issues of great importance to the Church, such as those regarding the existence of a marriage.

A fair trial is a right of the faithful¹ and at the same time *is required for the public good of the Church*. Canonical procedural norms are thus to be observed by all involved in a trial as so many expressions of that *instrumental* justice which leads to *substantive justice*.

Last year I had the opportunity to speak to you about the right to defense in the canonical trial, and I stressed its direct relationship to the basic requirements regarding the *contradittorio* (the presentation of opposing arguments) during a trial.² Other specific norms regarding marriage cases have their own juridical-pastoral importance. I would like to call special attention to those concerning the *competence of ecclesiastical tribunals*. The new code, in canon 1673, has issued regulations on this matter, taking into account very recent positive and negative experiences, and balancing a legitimate broadening of the competent fora with certain precise safeguards – which must be respected carefully – for protecting the *contradittorio*, for the benefit of the parties and for the public good. The observance of these safeguards, therefore, becomes a duty in justice and arises also out of a well-understood pastoral sense.

I end these reflections on certain aspects of the vast topic of the relationship between pastoral ministry and canon law with a wish – and I direct it not only to you, but to all pastors in the Church – that there be an ever clearer understanding and ever more working realization of the pastoral value of Church law. for the sake of better serving souls. Entrusting this intention to the intercession of Our Lady, *Speculum iustitiae*, I impart to you a special Apostolic Blessing, as a pledge of constant divine help in your demanding work in the Church.

John Paul II, 18 January 1990. allocution to Roman Rota. AA582(1990): 872-877; *TPS* 35 (1990): 227-231; *Comm* 22: 3-7.

¹ Cf. c. 221.

² Cf. Discourse to the Roman Rota. January 26, 1989, in *OssRomEng*, February 20, 1989, p. 1; *TPS*, 34.(1989): 241-245.

CANON 1453

The length of the annulment process, 30 January 1986. AAS 78 (1986): 921-925.

1. It is a great joy for me to meet you every year, so as to reaffirm the importance of your ecclesial ministry and the necessity for your judicial activity: It is a service of justice, a service of truth, a service rendered to God, in whose sight you pronounce your sentences. It is a service to the people of God and every person of good will who has resort to the sacred Roman Rota.

So I extend my most cordial greeting to each one of you. a greeting joined with feelings of appreciation and gratitude for your task. It is sometimes difficult and burdensome, yet it is necessary.

I give a particular greeting to the new dean. Monsignor Ernesto Fiore, and I express a hope that he will contribute, with your attentive collaboration, to the constant work of adapting the tribunal to the needs of the contemporary world and the pastoral needs of our time.

I am aware of the difficulties which you have to face in carrying out your task. It requires you, on the basis of canon law, to clarify questions and problems regarding subjective rights, which at the same time involve the consciences of those who have recourse to you. They are not infrequently bewildered and confused by discordant voices reaching them from all sides. I gladly take the opportunity of this audience to exhort you to a real service of charity in their regard, by fully assuming your responsibilities before God, the supreme lawgiver. If called upon, he will not fail to succor you with the light of his grace, so that you may fully respond to the expectations reposed in you.

2. It seems important to lay emphasis on concern for fundamental unity with the ministry of Peter – as I did already in the discourse addressed to the cardinals last November 21. The Roman Curia offers this *munus Petrinum* (Petrine office) collaboration which is rendered ever more urgent both by the importance of problems arising in the world and the duty to keep the profession of faith one and catholic, also again by reason of the need to orient and sustain the people of God in faithful comprehension of the Church's magisterium. This service to unity is ever more necessary because of the fact that the Church extends to so many differing countries and continents, and unites manifold and different cultures with the treasure of the Christian faith and revelation. These cultures in their turn can become better to the degree in which they recognize the values of which the Incarnate Word is defender and guarantor, as Son of the Father and redeemer of man. Man has to enter as an adopted child into this divine filiation, so as not only to be himself, but also in order to respond ever better to the intentions of God. who has created him in his image and likeness.

Your mission is a big one! It has to maintain, deepen, defend and illuminate

those divine values which man bears in himself as the instrument of divine love. In every man there is a sign of God to be recognized, a manifestation of God to bring to the fore, a mystery of love to be expressed through living according to God's views.

3. "God is love!" This simple statement of St. John's (1 Jn 4:8-16) is the key of the human mystery. Like God, man too will be love. He has need of love. He has to feel that he is loved and, in order to be himself, he has to love, he has to give himself, he has to make this love be loved. God is a trinity of love: the reciprocal giving of the Father and of the Son who love their Personal Love, the Holy Spirit. We know that this divine mystery illumines the nature and the profound meaning of Christian matrimony, which is the most perfect realization of natural matrimony. This latter bears God's seal from the beginning: "God created man in his image.. Male and female he created them . . . saying, 'Be fertile and multiply'" (cf. Gn 1:27-28).

Then, every marriage between the baptized is a sacrament. It is a sacrament by virtue of baptism, which introduces our life into God's so making us "sharers of the divine nature" (2 Pt 1:4), by the means of incorporation in his divine Son, the Incarnate Word, in whom we form but one sole body, the Church (cf. 1 Cor 10:17).

It can be understood, then, how Christ's love for the Church has been compared to the indissoluble love uniting man with woman, and how that can be effectively signified by that great sacrament which is Christian marriage. That love is destined to develop the Christian family, the domestic church (*Lumen gentium*, 11), in the same way in which the love of Christ and the Church ensures ecclesial communion – visible and now already bringing heavenly benefits with it (ibid., 8).

This is why Christian marriage is a sacrament working a kind of consecration to God (*Gaudium et spes*, 48). It is a ministry of love, love which, through its testimony, makes the meaning of the divine love visible, together with the profundity of conjugal giving lived in the Christian family. It is a commitment of paternity and maternity. The source of that is the reciprocal love of the divine persons; it is its most perfect and inequable image. This mystery will affirm itself and realize itself in every participation in the Church's mission, and it is in the Church that Christian spouses have to give proof of love and testify to the love which they live between them, with and for their children, in that ecclesial cell and which is fundamental and irreplaceable and is the Christian family.

4. If I briefly recall the richness and profundity of Christian marriage to you, I do so mainly in order to lay emphasis on the beauty, the grandeur and the vastness of your mission, since the greater part of your labors are concerned with matrimonial causes. Your work is judicial, but your mission is evangelical, ecclesial and sacerdotal, at the same time remaining humanitarian and social.

Even though the validity of a marriage supposes certain essential elements, and they have to be clearly expressed and technically applied in the juridical aspect, it is nonetheless necessary to consider such elements according to their full human

and ecclesial significance. By giving emphasis to this theological aspect in forming your judgments, you will hold out the image of Christian matrimony willed by God as the divine image and model and perfection of every human conjugal union. This holds good for every culture. The Church's doctrine is not restricted to its canonical expression. This latter – as the Second Vatican Council willed – must be seen and comprehended within the vastness of the mystery of the Church (*Optatam Totius*, 16). This council rule emphasizes the importance of ecclesial law – *jus ecclesiale* – and opportunely lights up the nature of the law of communion, the law of charity, the law of the spirit.

5. Illumined by this mystery of divine and human love, your judgments take on great importance, and – in a vicarious manner – share in the ministry of Peter. In fact it is in his name that you interrogate, judge and deliver sentences. It is not a matter of simple delegation, but of deeper participation in his mission.

Undoubtedly, application of the new code can run the risk of imprecise, incoherent or innovative interpretations, particularly in the case of psychological disturbances invalidating consent to marriage (c. 1095) or in the case of impediment of deceit (c. 1098) and error conditioning the will (c. 1099), as well as in interpretation of some new rules of procedure.

Such risk has to be faced and overcome with serenity, through thorough study both of the real gist of the canonical norm and of all concrete circumstances giving shape to the case, keeping always a lively awareness of serving God only, the Church and souls, without yielding to a superficial, permissive mentality which does not take due account of the indispensable demands of matrimony as a sacrament.

6. I would also say a word on the opportuneness that examination of causes shall not be delayed too long. I know very well that the duration of a trial does not depend only on the judges who have to decide: There are many other factors which can cause delays, but you – to whom the task of administering justice has been entrusted, so as to bring inner peace to so many faithful – ought to commit yourselves to the utmost in order that the course of the process shall proceed with that solicitude which the good of souls requires and which the new *Code of Canon Law* prescribes when it states: “Causes shall not be protracted over more than a year in the court of first instance and not more than six months in the court of second instance” (c. 1453).

May none of the faithful take the excessive duration of the ecclesiastical court process as grounds for not presenting his own cause or for giving up on it and choosing solutions in clear contrast with Catholic doctrine.

7. Before concluding I would also again exhort you to see your ecclesial service in the general context of (the activity of the other dicasteries of the Roman Curia, with special reference to those which concern themselves with matters having a relation with judiciary activity in general and that of matrimonial matters in particular.

Moreover, the influence of the Roman Rota on the activity of regional and diocesan ecclesiastical courts should be valued in particular. The jurisprudence of the Rota has always been and must continue to be a sure point of reference for them.

The *Studio Rotale* has given you the possibility of putting your doctrinal and judicial experience at the disposal of those who are preparing themselves to become judges or advocates and those who wish to deepen their knowledge of the Church's law. Thanks to it, you contribute to the reflowering of interest in study of the *Code of Canon Law* and provide the opportunity for ever more thorough study of this material in faculties of canon law.

It is therefore with a full heart that I express my lively appreciation for your serious and constant work, and I bless your commitment and ministry.

May God who is love ever always remain your light, your strength and your peace.

John Paul II, 30 January 1986, allocution to Roman Rota, *AAS* 78 (1986): 921-925; *Origins* 15 (1986): 608-610; *Communicationes* 18: 26-30.

CANON 1490

Norms for rotal advocates:

See canon 1443 of this volume

CANON 1509

Citation of the respondent. Private.

Letter from respondent to Dean of the Roman Rota, August 28, 1987:

I am the respondent in the above-named marriage case, an annulment of which was granted in First Instance by the Diocese of Hippo (in the United States) on June 1, 1984 and ratified in Second Instance by the Interdiocesan Tribunal of Second Instance of the Province of Antioch (in the United States) on July 2, 1984.

I object to the two decisions. I have been informed that my recourse in this case is the Sacred Roman Rota, the Tribunal of the Holy See.

I am requesting that the decisions reached in First Instance and Second Instance be overturned. My reason for this request is the fact that the procedures followed did not allow me an opportunity for input. I did not know that a petition for this action had been filed. My first knowledge that the marriage had been annulled came to me about three years ago by word of mouth from my daughter. She told me that her father, Clarence, had received an official letter from the diocese informing him of the annulment and his right to marry again in the Church. When

I first objected to the action I was shown two letters written to me by the Diocesan Tribunal. The first letter was intended to inform me of the case and give me a chance for input. The second letter was written a year later and was the announcement of the decision. Neither one of the letters carried my current address. Moreover, the letters were addressed to my first and maiden name. The neighbors and post office knew me as Jones not Doe. I was not out of touch during this time. My current address could have been obtained by a phone call to the petitioner or to any member of my family.

Shortly after the annulment my husband married again in the Church. The reasons that I did not pursue this recourse sooner are two: (1) I did not know how to go about it; and (2) I thought that my brother Father John Doe of this diocese, who had been friends with the petitioner many years ago, had pushed it through and that the diocese was taking sides against me. Just recently my brother learned of these thoughts I was having against him and offered to help me correct the matter. I know now he had nothing to do with it. I believe that I am still married to the petitioner, Clarence Jones.

Will you please let me know what I need to do to further this request? Thank you for your help.

Letter from judicial vicar to the Dean of the Roman Rota. November 9, 1987:

Enclosed is a letter from Mrs. Jane Doe Jones, a respondent in a marriage case processed by our tribunal.

As you can see from her letter, she does not believe the ordinary means of citing her were adequate to provide her opportunity to present her side of the question.

We sent her a citation by regular mail. It was not returned by the Postal Service or by her. We interpreted this to mean she received the letter and chose not to participate. This is a very common practice in our area. The case proceeded. We wrote her once again when the acts were published. We wrote again to notify her of the decision in first instance, asking if she wished to join in the appeal. The last two letters were returned.

We believe the provisions for contacting her were adequate. We know of no method of contacting the respondent which absolutely guarantees he/she receives the notice.

The respondent, in interviews so far, has indicated no new evidence or given any reason why the same decision would not be reached a second time. She believes the petitioner wishes reconciliation, and overturning this decision would allow his present marriage to be put aside on the grounds of *Ligarnen*. There is no indication the petitioner wishes to leave his present spouse and remarry the respondent.

Thank you for your attention to this matter.

Response from the Roman Rota to the judicial vicar, January 13, 1988:

This will acknowledge your letter of November 9, 1987, and with it receipt of the letter, dated August 28, 1987, from Mrs. Jane Jones, nee Doe, respondent in your case above cited.

From the information furnished in these letters, it seems that you sent the respondent's citation "by regular mail", which I take to mean "first class mail." Respondent's letter says the citation (and another letter sent her later) bore the wrong address and used her maiden name; she does not exactly state if or when she might have received the letters, asserting only that she "was shown the two letters written to [her] by the Diocesan Tribunal." She says that she was in touch with her husband and family during this time, and that her correct address was easily obtainable, claiming that she did not know a petition for a declaration of the invalidity of her marriage had been filed, but that her first knowledge of the matter came when her daughter told her that the petitioner had received notice of "his right to marry again in the Church."

Some consider citation by first class mail to be adequate, although the failure of the U.S. Postal Service to return an undelivered first class letter would not seem to constitute the "*factum notificationis*" required by canon 1509, §2. Perhaps you are correct to conclude that there is "no method of contacting the respondent which absolutely guarantees" receipt of the citation. However, you might experiment with certified mail or registered mail, verifying the information on the postal receipt with a follow-up letter or telephone call. Whatever the method used, it should be such as to allow the issuance of the decree mentioned in canon 1592 in an appropriate case.

As to Mrs. Jones, kindly inform her that she may apply for a new proposition of the case before the Rota, provided the norm of canon 1644, §1 is met.

Exchange of correspondence from respondent, judicial vicar, and Roman Rota. 1987-1988. *RRAO* (1988): 28-32.

CANON 1511

Citation of a "dangerous" respondent. Private.

Letter from judicial vicar to Apostolic Signatura, March 14, 1989:

We hereby request that a dispensation be granted from the norm of canon 1511, which requires the citation of the respondent and from any other norms which require subsequent notification/publication to the respondent and execution of the decree of nullity, if granted. The reason for this extraordinary request is based on

the following circumstances, which have been brought to our attention by the petitioner:

1) The respondent, Max, constantly harassed the petitioner. Joanne, since the civil dissolution of the marriage. The respondent was subsequently convicted of assaulting the petitioner and has been put on probation for two years, (cf. enclosed “preliminary injunction”).)

2) The respondent has been guilty of substance abuse (cocaine) during the duration of the marriage of two and one-half years. During this time the petitioner feared for her life, which was the prevailing reason for the termination of the marriage.

3) The petitioner has reasonable grounds for fearing that the respondent will react in an adverse manner if he were to learn of her petition for a declaration of nullity since he could never accept the fact of the termination of common life. This fear is, therefore, based on solid probability.

4) The petitioner is currently a practicing Catholic. The respondent is a non-practicing Baptist. Though an ecclesiastical declaration of nullity would have no meaning for him, he would most probably use the action as an excuse to harass her again, as he did when she instituted civil divorce action to protect herself and their child.

5) Currently, the respondent is abusing alcoholic beverages and is using marijuana.

In view of the above circumstances, we believe that the request for dispensation is reasonable and necessary. If granted, a curator will be appointed to protect the rights of the respondent.

Would you be so kind as to consider this petition as soon as possible so that there will be no unnecessary delay in processing the pending case for nullity.

(Included with (his request was an authentic copy of an "Amended spouse abuse injunctive order", issued by (he Circuit Court of Perge on February 2, 1989, which ordered that Max "shall not 1. Assault, beat, molest or wound Joanne; and/or 2. Enter onto the premises of her residence.")

Response from the Apostolic Signatura, June 14, 1989:

We have considered the great importance of the citation of the Respondent and of his right of defense in matters of canonical judgment, and noted the pertinence of canons 1511 and 1620, 4° and 7°;

There is not sufficient evidence in the petition that the respondent is devoid of the use of reason (cf. c. 1478, § 1), or at least of diminished mental capacity to stand trial (cf. c. 1478, § 4), and for this reason it is not understandable that the respondent in the case could validly be represented in the action by a curator.

Moreover, the arguments brought forward do not seem to be of great weight.

since:

- it is not rare that any sort of case will bring with it a certain hostility between petitioner and respondent;
- some time has passed since the initiation of the civil divorce; the respondent in that time has had to accept the fact of separation from the petitioner, albeit unwillingly;
- the prohibition issued by the civil judge that the respondent take no aggressive action against the petitioner or enter her home would most probably seem to protect her in the case against new violence on the part of the man.

We note that the rights of parties in a canonical case are not only to be protected for Catholics who practice their religion.

Having heard the Promoter of Justice, we decree that the petition cannot be considered.

Exchange of correspondence between judicial vicar and Apostolic Signatura (unofficial translation). 1989, *RRAO* (1989): 27-29.

Citation involving a fanatical Moslem. Private.

Letter from diocesan bishop to Congregation for the Doctrine of the Faith, April 19, 1989:

A member of this diocese, Bertha, wishes to petition for a dissolution of her marriage to Abdullah in favor of the faith. When Bertha and Abdullah were divorced, the United States Civil Court awarded the custody of their child to Bertha, and allowed visitation by the father, Abdullah. During one of these visitations, Abdullah kidnapped the child and brought him to the Kingdom of Islamia, where they now reside. As a result of this, there is a warrant out for Abdullah should he ever enter the United States again. Abdullah allows very limited contact by Bertha with the child; if she goes to Islamia, she is allowed to visit the child in the presence of Abdullah's family. She is allowed an occasional telephone call to the child.

The attached copy of an article in *The New York Times* is about Bertha and her plight. Bertha has asked that no contact, or interpellations, be made with Abdullah as she feels that the limited contact he allows her to have with her child, would be cut off as a result of this. Abdullah is described by everyone, including Moslem officials in this country, as a very difficult and vindictive man.

Under these circumstances, we are requesting permission to conduct the process for dissolution in favor of the faith while eliminating the interpellation of the Respondent.

Response from the Congregation for the Doctrine of the Faith. May 8, 1989:

Thanks very much for your kind letter dated April 19, 1989, dealing with the Bertha-Abdullah marriage case. The respondent has a right to be heard but in this case Abdullah does not seem anxious to help so instead of wailing any longer it would be better for your Marriage Tribunal to prepare the Acts in the usual way. As soon as we receive the necessary documentation, we shall try to decide the case without further delay.

Exchange of correspondence between diocesan bishop and CDF, 1989. *RRAO* (1989): 29-30

Omission of citation for reasons of international politics. Private.

Letter from judicial vicar to Apostolic Signatura, September 28, 1987:

I am writing in regard to the decree issued June 30, 1987. in the matter of the nullity of Ling and Deng.

I appreciate the grant of competency that enables the Tribunal of Hippo to do the case. I have discussed provisions a) and b) of the decree with the petitioner. She has asked that I forward the enclosed letter for your consideration.

(The letter of the petitioner which was enclosed was a strong plea that the respondent not be cited, inasmuch as the petitioner's brother and sisters were still resident in Communist China.)

Response from Apostolic Signatura, April 7, 1988:

With your letter of September 28, 1987, your Excellency sent to this Supreme Tribunal a plea signed by Ling, petitioner in the above-titled case.

This Apostolic Signatura has asked one of its Consultors to express his thoughts on the matter.

Now, led by the hope of helping your Tribunal, I send you the attached opinion, which has – as is apparent – only the force of a private consultation.

I also ask your forgiveness for the tardy response on the part of the Apostolic Signatura. In this case, the person to whom the examination of the materials was commissioned was only able to carry this out after several months, due to illness.

Opinion from consultant:

1. In the case noted above, the Supreme Tribunal of the Apostolic Signatura granted the prorogation of competence on June 27, 1987, with the provision that *attempts* be made “that not only the respondent be heard, but also his witnesses.”

2. In her letter of September 18, 1987, Miss Ling, petitioner in the case, again

asked that the respondent not be cited, due to the most grave dangers which might otherwise threaten her brother and sisters, still living in China.

N.B. As regards the witnesses for the petitioner, it would seem adequate to cite those already living in the United States of America. Miss Ling does not intend to enter a new marriage now; perhaps her brother and sisters, still in China, might emigrate in the future.

3. The case concerns *both* the right of defense on the part of the respondent, whose denial vitiates the sentence with irremediable nullity (c. 1620, 7°), *and also* the right of the petitioner both to obtain an examination of her case and to protect the safety of her brother and sisters in China.

The omission of the citation of the respondent can only be considered, if the citation is morally impossible because of the most grave dangers, and if there be a proportionate reason for nonetheless proceeding in the case. In such a case, a greater rigor is to be followed in proceeding to collect and evaluate the proofs, and it is fitting that the respondent be given an Advocate *ex officio*, and that – insofar as the case requires – a Curator be appointed.

Exchange of correspondence between judicial vicar and Apostolic Signatura (unofficial translation). 1987-1988. *RRAO* (1989): 30-32.

CANON 1520

Authentic Interpretation: Competent Forum, 17 May 1986. /145 78 (1986): 1324.

D. Whether, when an instance is finished through peremption or by renunciation. if some one wishes to introduce or pursue the cause again, must it be resumed in the forum where it was first treated, or can it be introduced before another tribunal which is competent in law at the time of the resumption?

R. Negative to the first part; affirmative to the second.

Pont Comm, for the Auth Interp. AAS 78 (1986): 1324; *RRAO* (1990): 116.

CANON 1598

Warning regarding use of canon 1598, § 1 to grant confidentiality to a witness. Private.

“Confidentiality,” or the respect shown a *professional secret*, is a matter of serious importance; it can only be invoked legitimately by the judge – as a reason for denying to one or the other party the knowledge of someone’s deposition – if

a witness in the case would be exposed to an objective danger of serious harm should his deposition become known. Witnesses should not easily be given permission to invoke confidentiality; much less is it licit for the judge to suggest or insinuate this. A person deprived of the knowledge of someone's testimony against him is simultaneously deprived of the possibility of refuting it. There is no one who would not see the grave harm this could do to his right of defense. Judges should be mindful that recourse to confidentiality, when this is not fully justified, tends to give a troubling aura of clandestinity to the whole process whereby justice is defended.

Excerpt from Rotal decision (unofficial translation). *RRAO* (1990): 42.

CANON 1620

The Right of Defense, 26 January 1989. AAS 81 (1989): 922-927.

I thank His Excellency the Dean for his words of greeting, and I express my sentiments of esteem and gratitude to all who work in the Apostolic Tribunal of the Roman Rota: the judges, the promoters of justice, the defenders of the bond, the other officials, the advocates, and also the professors of the Rota Law School.

Bearing in mind that the papal discourses to the Roman Rota, as is known, are addressed in fact to all engaged in the administration of justice in the ecclesiastical tribunals, I intend in today's annual meeting to emphasize the importance of the right to defense in canonical judgement, especially in cases for the declaration of matrimonial nullity. Though it is not possible to treat here the entire problem in this regard, I wish however to insist on some points which have a certain relevance.

The new *Code of Canon Law* attributes great importance to the right of defense. Concerning the obligations and rights of all the faithful, canon 221. §1 states: "Christ's faithful may lawfully vindicate and *defend* the rights they enjoy in the Church, before a competent ecclesiastical forum in accordance with the law." §2 continues: "If any members of Christ's faithful are summoned to trial by the competent authority, they have the right to be judged according to the provision of the law, to be applied with equity." Canon 1620 of the code explicitly determines the irremediable nullity of the sentence if one or other party was denied the right of defense, while canon 1598, §1 provides us with the following principle which must guide all judicial activity in the Church, namely, "the right of defense must always remain intact."

It must be noted immediately that the absence of such an explicit norm in the Pio-Benedictine Code certainly did not imply that the right of defense was ignored in the Church under the regime of the previous code. That code, in fact, laid down opportune and necessary dispositions to guarantee this right in canonical judgment. Even though canon 1892 of the previous code did not mention the "denial of the

right of defense” among the cases of irremediable nullity of the sentence, it should nevertheless be noted that both the doctrine and the total jurisprudence held for the irremediable nullity of the sentence whenever one or other party was denied the right of defense.

One cannot conceive of a just judgment without the “contradictory,” that is to say, without the concrete possibility granted to each party in the case to be heard and to be able to know and contradict the requests, proofs and deductions adopted by the opposing party or “*ex officio*.”

The right of defense of each party in the case, that is, not only of the respondent but also of the plaintiff, should obviously be exercised according to the just dispositions of positive law. It is not the function of positive law to deprive one of the exercise of the right of defense, but to regulate it so that it does not degenerate into abuse or obstructionism, and at the same time to guarantee the practical possibility of exercising it. The faithful observance of the positive law in this regard is therefore a grave obligation for those engaged in the administration of justice in the Church.

Obviously a *de facto* defense is not required for the validity of the process; it suffices that its concrete possibility is always present. Therefore the parties can renounce the exercise of the right of defense in a contentious trial; in a penal case, however, there must always be a *de facto* defense, indeed a technical defense, because in a penal trial the accused must always have an advocate.¹

Certain clarifications regarding matrimonial cases must immediately be added. Even though one of the parties may have renounced the exercise of the right to defense, the judge in these cases has the grave duty to make serious efforts to obtain the judicial deposition of the party concerned and also of the witnesses whom the party could have called. The judge should weigh well each individual case. Sometimes the respondent does not wish to be present at the trial without offering any adequate motive, precisely because he cannot understand how the Church could possibly declare the nullity of the sacred bond of his marriage after so many years of living together. True pastoral sensibility and respect for the party’s conscience will oblige the judge in such a case to offer the respondent all opportune information regarding cases of matrimonial nullity and to seek patiently the party’s full cooperation in the process, also for the sake of avoiding a partial judgment in a matter of such gravity.

I deem it opportune to remind all engaged in the administration of justice that, according to the sound jurisprudence of the Roman Rota, in cases of matrimonial nullity the party who may have renounced the exercise of the right of defense should be notified of the formula of the *dubium* (doubt), of every possible new demand of the opposing party, as well as of the definitive sentence.

The right of defense demands of its very nature the concrete possibility of

¹ Cf. cc. 1481, §2, and 1723.

knowing the proofs adduced both by the opposing party and "*ex officio*." Canon 1598, §1 therefore lays down that when the evidence has been assembled, the judge must, under pain of nullity, permit the parties and their advocates to inspect at the tribunal office those acts which are not yet known to them. This is a right of the parties and their advocates. The same canon provides for a possible exception. In cases which concern the public good, the judge can decide that, in order to avoid very serious dangers, *some* act is not to be shown to anyone: he must take care, however, that the right of defense always remains intact.

With regard to the aforementioned possible exception, it must be observed that it would be a distortion of the legal norm and also a grave error of interpretation if the exception were to become the general rule. One must therefore abide faithfully by the limits indicated in the canon.

In relation to the right of defense, it cannot be a matter of surprise to speak also of the necessity of publishing the sentence. How could one of the parties defend himself or herself in the court of appeal against the sentence of the lower tribunal if deprived of the right to know its motivation both *in law* and *in fact*? The code therefore requires that the dispositive part of the judgement must be prefaced by the reasons on which it is based,² and this not only to render its acceptance easier when it goes into effect, but also to guarantee the right of defense in the event of an appeal. Canon 1614 therefore decrees that a judgement has no effect before publication, even if the dispositive part has been made known to the parties with the permission of the judge. One cannot therefore understand how it could be confirmed on appeal without due publication.³

To guarantee still more the right of defense, the tribunal is bound to indicate to the parties the ways in which the judgement can be challenged.⁴ It seems opportune to recall that the court of first instance, in fulfilling this duty, must also indicate the possibility of approaching the Roman Rota as the court of second instance. Moreover in this context it must be borne in mind that the time for lodging an appeal begins only from notification of *the publication* of the judgement/ while canon 1634. §2 prescribes: "If the party is unable to obtain a copy of the appealed judgement from the originating tribunal within the canonical time-limit, this time-limit is in the meantime suspended. The problem is to be made known to the appeal judge, who is to oblige the originating judge by precept to fulfill his duty as soon as possible."

It is sometimes said that the obligation to observe the canonical legislation in this regard, especially concerning the publication of the acts and the judgement, could impede the search for the truth because of the witnesses' refusal to cooperate

²Cf.c. 1612, §3.

³Cf c. 1615

⁴Cf. c. 1614.

⁵Cf. c. 1630. §1.

in the trial in such circumstances.

In the first place it should be quite clear that the “publicity” of the canonical trial as far as the parties are concerned does not affect its reserved nature as regards all others. It should also be noted that canon law exempts from the obligation of replying to questions all those who are bound by the secret of their office in respect to matters subject to this secret, and also those who fear that, as a result of giving evidence, a loss of reputation, dangerous harassment or some other grave evil will arise for themselves, their spouses, or those related to them by consanguinity or affinity.⁶ A similar norm exists in regard to the production of documents.⁷ It is obvious that in the judgement it suffices to set out the reasons in law and in fact on which it is based, without having to record every item of evidence.

Having said all this, I cannot but point out that full respect for the right of defense is particularly important in cases for the declaration of matrimonial nullity, both because they concern so profoundly and intimately the person of the parties in question, and also because they treat of the existence or non-existence of the sacred bond of marriage. These cases therefore require a particularly diligent search for the truth.

It is evident that witnesses must have explained to them the true meaning of the legislation in the matter, and it is also necessary to confirm that one of the faithful who has been lawfully summoned to appear by the competent judge is bound to obey and speak the truth, unless exempted by law from giving evidence/

On the other hand, a person should have the courage to assume responsibility for what he says, and has no reason to be afraid if he has really spoken the truth.

I have said that the “publicity” of the canonical trial in regard to the parties in the case does not affect its reserved nature in regard to all others. In fact, in a penal trial the judges and tribunal assistants are bound to observe always the secret of the office; in a contentious trial, they are bound to observe it if the revelation of any part of the acts of the process could be prejudicial to the parties. Indeed, whenever the nature of the case or of the evidence is such that revelation of the acts or evidence would put at risk the reputation of others, or give rise to quarrels, or cause scandal or have any similar untoward consequence, the judge can oblige witnesses, experts, and the parties and their advocates or procurators, to swear an oath to observe secrecy.⁸ Moreover, without an order from the judge, notaries and the chancellor are forbidden to hand over to anyone a copy of the judicial acts and documents obtained in the process.⁹ Besides, the judge can be punished by the

⁶ Cf. c. 1548. §2.

⁷ Cf. c. 1546.

•Cf. c. 1548. §1.

⁸ Cf. c. 1455. and 3.

¹⁰ Cf. c. 1475. §2.

competent ecclesiastical authority for the breach of the law of secrecy."

Ordinarily the faithful approach an ecclesiastical tribunal for a solution of their problem of conscience. For this reason they often say things that they would not otherwise have said. The witnesses also frequently testify under the condition, at least tacit, that their evidence will be used only for the ecclesiastical trial. The tribunal – for which the search for the objective truth is essential – must not betray their trust by revealing to outsiders what should remain secret.

Ten years ago, in my first address to this tribunal, I had this to say: "The task of the Church, and her historical merit, of proclaiming and defending man's fundamental rights at all times and places, does not exempt her but, on the contrary, obliges her to be a *speculum iustitiae* (mirror of justice) before the world."²

I invite all who are engaged in the administration of justice to safeguard in this perspective the right of defense. While thanking you profoundly for your tribunal's great sensibility to this right, I cordially impart to you my Apostolic Blessing.

John Paul II, 26 January 1989, allocution to Roman Rota. AAS 81(1989): 922-927, TPS 34 (1989): 241-245.

Case remanded to the Roman Rota to hear a complaint of nullity of sentence following two affirmative decisions. Private.

Letter from Apostolic Signatura to diocesan bishop, August 2, 1989:

[After recounting the transmission of a series of vigorous letters of protest from the respondenti that we may consider the matter, I ask that Your Excellency forward all the pertinent information about the case, especially:

- whether the acts of the case were published according to the norm of canon 1598, § 1; if an exception was made concerning certain acts, that exception is to be noted;
- whether the full text of the sentence of the first grade was published according to the norm of law (c. 1614);
- whether the methods of attacking a sentence (c. 1614) had been indicated to the man respondent, either before the ordinary tribunal of appeal or before the Roman Rota (c. 1444, §1, 1°).

In addition, we ask that Your Excellency send all the acts of the case to this Apostolic Signatura.

Meanwhile, these decisions are not to be executed until this Supreme Tribunal

²Cf. c. 1457, §1.

² Allocation on February 17, 1979. TPS. 24 (1979) 218

has looked into the matter.

Response from Apostolic Signatura, October 5, 1989:

The assertion in the decree of publication of the acts cannot be admitted, according to which the request to inspect the acts “is subject to denial in whole or in part” [English quotation from a letter from the Lystra tribunal to (he respondent); in cases concerning the public good, to avoid most serious dangers, the judge can only determine that *some* act be made known to no one, *but carefully so that the right of defense always remains intact* (c. 1598, § 1);

As regards the publication of the integral text of the sentence of the first instance:

- when explicitly asked about the matter, the judicial vicar merely exhibited his letter of April 18, 1989, wherein he informed the respondent of the dispositive part of the sentence, omitting completely the reasons in law and in fact which motivated it;
- it cannot be understood how someone could defend himself in the grade of appeal against a first instance sentence if he be deprived of his right to know its motives (cc. 1612, §3; 1614: and 1615);
- the time allowed for placing an appeal begins to run only from the notification of the *publication* of the sentence (cf. cc. 1630, § 1; 1634, §2).

The man respondent was not informed of the right to approach the Roman Rota in the second instance, inasmuch as the case was sent to the tribunal of Antioch and treated there in the second instance, in spite of the expressed will of the respondent to approach the Holy See (cf. cc. 1444, §1, 1°; 1632, §2) since:

- in his letter of April 18, 1989, the judicial vicar informed the respondent of the affirmative sentence given, and of its transmission to the metropolitan tribunal of Antioch, no mention being made of the Roman Rota;
- the letters of the respondent to the judicial vicar on April 21, 1989, and to the Apostolic Pro-Nuncio on April 26, 1989, are to be interpreted as a prosecution of the appeal before the competent Tribunal of the Apostolic See;

From these observations it is clear that a mere examination of the documents sent here reveals some irregularities which seem to affect the right of defense, and since the man respondent has sought some sort of help from the Apostolic See. by the force of canon 1445, §3, 1° and of article 124, 1° and 2° of the Apostolic Constitution *Pastor bonus*, this Supreme Tribunal decrees:

1. The Apostolic Tribunal of the Roman Rota, which has competence concerning a new proposal of the case, shall first look into the possible nullity of the sentences issued in the case; the Rota is also asked to inform this Supreme Tribunal of its decision, since it falls to this Tribunal to exercise vigilance over the correct administration of justice in diocesan tribunals;
2. The tribunal of Lystra is to be admonished regarding the irregularities discovered in the case, and its episcopal moderator is to be asked to exercise vigilance over the correct administration of justice in his tribunal;
3. The execution of the sentences already given is to be suspended until the Roman Rota has looked into the matter;
4. All interested parties are to be notified.

Ap. Signatura. 1989, response to complaint of nullity following two affirmative decisions (unofficial translation), *RRAO* (1990): 47-50.

Complaint of nullity of sentence mandated locally following a first affirmative decision. Private.

Letter from respondent to diocesan bishop, and copied to Roman Rota, June 30. 1988:

On June 28 I was informed that the tribunal of the Diocese of Hippo, after receiving confirmation from the Archdiocese of Carthage, was going to nullify my 25 year marriage which produced 5 children.

This marriage was legally dissolved three years ago, the causes for its failure were adultery, alcoholism and abuse. I have accepted the reality that our relationship and commitment to each other has ended.

The concern now is one of justice, powers of the tribunal and ethics.

My marriage has been tried and judged without a thorough investigation of the real causes for the failure of this 25 year marriage. I have asked to be allowed to face my accusers and to hear the allegations against me; and have been refused.

The validity of the marriage could stand all challenges because we were both of the age of majority and entered into the sacrament freely and neither hid from the other any fault that would make the marriage invalid at its inception. The marriage was blessed by God (this is Catholic Dogma), so my question is: How can a tribunal nullify it?

The reason given for the annulment by the tribunal was “defective consent” and “the inability to establish communal living,” a twenty-five year history of a marriage and a family of five healthy, productive and well-adjusted children dispute these findings.

If the ends for the tribunal are that Brutus have another chance at a relationship and still remain in the Church. I can understand these ends; but it is unethical to

lose sight of the real causes for his need and to use unethical means to reach a solution. The Church must acknowledge the validity of the sacrament it witnessed and know the true reasons for the disintegration of the marriage. My faith and the faith of his children depend on this. How much credence could I have in my baptism and my confirmation?

I sincerely hope you reconsider your actions and use moral means to reach your ends.

(The letter was received at the Roman Rota and forwarded to the Apostolic Signatura on August 4, 1988.)

Letter from Apostolic Signatura to diocesan bishop, August 23, 1988:

This Supreme Tribunal has received the letter of June 30, 1988 – photocopy attached – in which Caia, the respondent in the above-noted case of nullity of marriage, complains strongly that her marriage, after twenty-five years of conjugal life, has been declared null by your tribunal, and seeks the intervention of the Holy See.

That the matter may be examined, I ask that your Excellency see to the transmission to this Apostolic Signatura of all pertinent information concerning the case, especially about the possibility of defense given or denied to the woman respondent according to the norm of law, and also about the information given or not to the same woman concerning the methods of attacking the sentence (c. 1614), either before the ordinary tribunal of appeal or before the *Roman Rota* [emphasis original] (c. 1444, §1, Γ).

Response from diocesan bishop, September 26, 1988:

Enclosed you will find a complete copy of the acts of the case of Brutus and Caia as per your request of August 23, 1988.

The case was sent on appeal to the Archdiocese of Carthage on July 22, 1988 upon the request of Caia. Since the case is already on appeal in the Metropolitan Tribunal of Carthage, we are uncertain as to the nature of your request. If proper procedure requires that the Archdiocese of Carthage suspend its proceedings, we will notify that tribunal to do so.

It would appear as if Caia, the respondent in this case, claims that she was not given the right of defense. As inspection of the acts will reveal, her allegation is false. A citation was sent to Caia on October 5, 1987 by registered mail (pg. 15). She responded in writing on October 14, 1987 (pg. 65). She was then interviewed in this tribunal on October 19, 1988 (pg. 48).

When Caia appeared in this tribunal she was quite hostile and uncooperative. Every effort was made to assure her that she was not on trial. She was further

advised that she enjoyed the same rights as the petitioner, including the right to appeal the decision of the court of first instance. As is noted in the summary of the interview with Caia, she took issue with the entire annulment process and decided that she would be wasting her time in offering testimony or entering an appeal. She assumed that a declaration of nullity was a foregone conclusion. As is noted in the acts, Caia refused to allow the auditor to tape their discussion.

Given the hostile nature of the respondent, the auditor. Fr. Tutor, proceeded carefully and prudently. So as to protect against further dissension, but at the same time conscious of the need to protect the respondent's right to defense. Fr. Tutor questioned Caia in an oblique manner. As instructed by the judicial vicar. Fr. Tutor did not allow the respondent to view the testimony presented by the petitioner. Instead, he questioned the respondent about the issues which comprised the petitioner's major allegations. In particular, the respondent was questioned with regard to the allegation of significant sexual dysfunction in the marital relationship. The respondent denied such dysfunction existed and this was appropriately noted.

Given the fact that the respondent clearly takes issue with the petitioner's principal allegation of sexual dysfunction, it is hard to imagine that she can now claim she was not given the opportunity to do so. Her request to "face her accusers" was denied insofar as such was not necessary so as to protect her right to defense. Such a meeting would have certainly caused much dissension and unnecessary turmoil.

The respondent's allegation with regard to not being given the opportunity to appeal the affirmative decision of the court of first instance is also not true. As already noted, the respondent indicated at the time she was interviewed that she would not appeal an affirmative decision, given her assumption that a declaration of nullity was a foregone conclusion.

A letter indicating that in fact an affirmative decision was rendered by this tribunal and the sentence was being sent to Carthage for review was sent to the respondent on June 28, 1988. Upon receipt of that letter. Caia called the tribunal in a rage. She assumed that the case was now complete and she had no further recourse. A letter was then sent to the respondent again explaining her right to appeal. She then decided to appeal the decision and the entire acts of the case were sent to the Archdiocese of Carthage.

Caia has been very difficult to deal with. Every effort made to care for her rights and assure her that the tribunal is as interested in her welfare as it is in the welfare of the petitioner has been met with hostility and rejection. Caia is an angry woman who is determined to take control of the proceedings. Her behavior demonstrates not so much a belief in the validity of her former marriage, but rather an abhorrence for the very existence of annulment proceedings.

We will await further instructions with regard to what steps the Archdiocese of Carthage should or should not take.

Response from Apostolic Signatura, June 16, 1989:

1. Caia, the woman respondent in the above-titled case of nullity of marriage, in her letter of June 30, 1988, to the tribunal of Hippo, sought a reversal of the sentence of the first grade, by which the nullity of her marriage to Brutus had been declared. The same letter was sent to the Apostolic See and to the Archbishop of Carthage.

Asked for information about the case by this Apostolic Signatura, the Bishop of Hippo sent his response along with the acts of the case, which set forth the history of the process and also the actions taken by the tribunal due to the hostile attitude of the woman respondent towards the man petitioner and also towards the canon law concerning matrimonial processes.

2. From the acts of the case in the first instance before the tribunal of Hippo, and from the sentence given by it for the nullity of the marriage, some defects in procedures and in judgment have come to light:

- a. As regards *procedures*, the tribunal of Hippo failed to notify the woman respondent of the decree of the joinder of issues, contrary to canon 1513, and indeed did not in any way explain to her the basis of the petition that she might set forth her mind on the matter. Nor did it order an expert appraisal of the same woman, although the cause brought forth for the petition, her own incapacity to undertake matrimonial obligations and her conduct in her sexual life, requires such proof (cf. c. 1680); the opinion of the expert concerning the man petitioner, which is found in the acts, does not suffice for this. The same tribunal – not rightly understanding canon 1598, § 1 – does not seem to have acted properly concerning the publication of the acts, at least as regards to the woman respondent, and contrary to canon 1614–did not publish the motives for the sentence.
- b. As regards *judging* [emphasis original], the tribunal of Hippo proposes a meaning of the community of the whole life which is the object of marital consent – which is found neither in law (cc. 1055-1057, 1096) nor in jurisprudence nor approved teaching. Moreover, confusion is found between canon 1095 and canon 1101, or between the *incapacity* [emphasis original] for choosing and/or constituting the community of the whole of life (c. 1095), and the positive act of the will not to choose and/or constitute the same (c. 1101).

From the *mere* [emphasis original] fact that from the beginning of the marriage the spouses did not make a serious attempt to constitute a true ‘interpersonal relationship’, it seems difficult to be able to prove either a positive act of the will not to choose marriage, or a true incapacity to choose and/or to constitute the same.

3. Germane to the matter are the allocutions of the Supreme Pontiff, John Paul II, to the Roman Rota, February 5, 1987, (AA5 79 11987], pp. 1453-1459), January 25, 1988 (AAS 80, [1988], pp. 1178-1185), and January 26, 1989 (cf. *L'Osservatore Romano*, January 27, 1989), and some of the irregularities detected affect the right of defense (cf. c. 1620, 7°).

4. The sentence of the tribunal of Hippo has not yet been published according to the norm of law, and therefore does not yet “have any force” (c. 1614). nor have the limits for appeal yet begun to run (c. 1634, §2).

5. The matter having been carefully examined, in virtue of canon 1445, §3, 1° and article 124, 1° of the Apostolic Constitution *Pastor bonus*, and noting canons 1620-1626 and 1444, §1, 1°, this Supreme Tribunal of the Apostolic Signatura declares:

1. After the publication of the sentence according to the norm of law, the respondent will be able to bring a complaint of nullity against that sentence before the tribunal of Hippo, or bring this complaint of nullity united with an appeal either before the Roman Rota or before the tribunal of Carthage;
2. If the complaint of nullity of sentence be lodged before the tribunal of Hippo or Carthage, the respondent will be able to appeal to the Roman Rota against a decision which might find the complaint of nullity of the sentence of the first grade has not been proven.

and determines:

1. The tribunal of Hippo is warned about the strict observance of processual law, and about the import of the allocutions of the Roman Pontiff and of the jurisprudence of the Roman Rota.
2. That tribunal will publish its own sentence immediately.
3. The parties are to be notified of this decree and its meaning explained to them.
4. Should the respondent not bring a complaint of nullity of sentence and the case be heard in the second instance before the tribunal of Carthage, the defender of the bond of the Carthage tribunal must bring this complaint in the manner of an exception before his own tribunal.

Exchange of correspondence between respondent. Apostolic Signatura (unofficial translation), and diocesan bishop. 1988-1989. *RRAO* (1990): 50-56.

Neither an affirmative nor a negative decision can accompany an affirmative finding to a complaint of nullity of sentence. Private.

Letter from the Apostolic Signatura to the diocesan bishop, October 21, 1987:

In this letter [which had been forwarded to the Signatura by the Roman Rota] the woman respondent complained loudly that after thirty-seven years, her marriage had been declared null by your tribunal in the first grade of jurisdiction.

That the matter may be examined by this Supreme Tribunal, I ask that Your Excellency forward to this tribunal all pertinent information, especially:

- concerning the possibility of defense afforded the woman according to the norm of law; and also
- concerning the publication of the integral text of the sentence (c. 1614; cf. also c. 1630, §1); and
- the information given or not to the same respondent about the manners of attacking the sentence (c. 1614), either before the ordinary tribunal of appeal or before the *Roman Rota* (cc. 1438-1439; 1444, § 1, 1°).

Letter from the Signatura to the diocesan tribunal. May 13, 1988:

The Roman Rota has sent to this Apostolic Signatura the letter, with attachments, which Bertha had sent on September 11, 1987, to the judicial vicar of the Metropolitan Tribunal of Antioch and also to the Roman Rota.

The woman respondent complained loudly that after so many years, her marriage has been declared null in the first instance by the tribunal of Perge: "I simply cannot understand how thirty-seven years after our wedding, the tribunal's psychologist can slate that my husband was too immature to accept the responsibilities of marriage because his mother could not give him the nurturing he needed as a child."

To examine the matter, on October 21, 1987, this Supreme Tribunal asked for pertinent information in the matter. The bishop of Perge responded on December 14, 1987; the judicial vicar of Antioch, even after further insistence by this Supreme Tribunal, did not do so until March 8, 1988.

There does not seem to be a grave reason why this case, now pending before the Metropolitan Tribunal of Antioch, be called to the Roman Rota, although in the notification of the sentence the tribunal of Perge probably did not spell out clearly that *either* the Metropolitan Tribunal *or* the Roman Rota might be approached for the appeal; nor does it seem in the case that proper information was given about the possibility of receiving gratuitous service from the Roman Rota.

It seems opportune in the case that this Apostolic Signatura consider the woman respondent's complaint which asserts that the tribunal of first instance did not

observe the teaching of the Supreme Pontiff, John Paul II, about the correct estimation of reports from psychological experts.

The respondent, at least implicitly, has sought the intervention of the Apostolic See.

By virtue of canon 1445, §3, 1°, this Supreme Tribunal decrees:

1. If the Metropolitan Tribunal of Antioch has not already made a decision in the case, it is to continue the process;
2. When a decision has been given in the grade of appeal, all the acts of the case are to be sent to this Apostolic Signatura; if and insofar as there be a double affirmative sentence, the execution is to be suspended so that this Supreme Tribunal may look into the matter.

Synopsis of second instance action:

The Metropolitan Tribunal of Antioch went ahead with the case, and interviewed the respondent herself once again. The court met on November 11, 1988, returned a finding in the negative, stating that the affirmative decision of the diocesan tribunal of Perge was not to be sustained, but rather overturned. They found that the interpretation of that court's expert was not founded adequately in the evidence in the acts, inasmuch as scarcely any information pertinent to the beginning of the union was used in his findings. The court of the second instance concluded: "a lack of due discretion on the part of the man petitioner has not been proven with adequate moral certitude."

The court of second instance then turned its attention to the processual aspects of the first instance case. The judges noted that the same individual had been appointed as his advocate by the petitioner and just two days later, as associate judge and *ponens* by the judicial vicar of Perge. The respondent was never represented by an advocate. The court of second instance concluded that the right of defense had been effectively denied to both parties.

The Metropolitan Tribunal of Antioch concluded with these findings:

1. The affirmative sentence of the court of first instance is not to be sustained.
2. That sentence is irremediably null since neither party was given the proper right of defense.

The judges also added these directions:

1. Either the petitioner or the respondent is to bring a complaint of nullity of sentence [the tribunal where this is to be done is not specified].
2. Should they fail to do so. the promoter of justice of Perge is to bring this

complaint [again, no tribunal is specified],

3. This appellate sentence is to be published according to the norm of law.
4. The execution of the sentence is suspended and the matter remanded to the Apostolic Signatura.

Letter from the Apostolic Signatura to the judicial vicar, December 22, 1988:

We have received your letter of November 16, 1988, with which you sent the sentence of the grade of appeal, along with all the acts of the case.

While I thank you for your diligent cooperation. I also wish to note that on May 13, 1988, this Apostolic Signatura mandated the suspension of the execution of the sentence “if and only insofar as there be a double affirmative sentence,” which is not verified in the case. For this reason we do not understand your statement: “In accordance with that decree this appellate tribunal has reached a decision and we have suspended its execution.”

The documents which you have sent to the Supreme Tribunal will be examined in January. 1989.

Letter from the Apostolic Signatura to the judicial vicar, April 17, 1989:

We have received your letters of December 22, 1988, and of March 20, 1989, about this case.

1. This Supreme Tribunal had already written on December 2, 1988: “this Apostolic Signatura mandated the suspension of the sentence ‘if and only insofar as there be a double affirmative sentence’ which is not verified in the case.” As appears from the words, *which is not verified in the case, the suspension of the execution*, given by the appellate tribunal of Antioch on November 10, 1988, *is not sustained*.
2. This sentence of the appellate tribunal not only differs from the sentence of the first instance concerning the merits of the case, but – it appears – also declared that sentence null, directing either the parties or the promoter of justice of the Perge tribunal to bring a complaint of nullity against that same sentence before the same tribunal of the first grade.

In the matter, these points are to be noted:

- a. 1) A court of appeal cannot simultaneously declare the sentence of a lower tribunal null and also look into the merits of the case. The nullity of a sentence of the first grade having been declared, the case is to be remanded to the tribunal of first instance that it may again take up the merits of the case (cf. cc. 1440: 1620, 1°).

- 2) In this case, therefore, that part of the sentence of the appellate court of Antioch which stated that the nullity of the marriage had not been proven seems irremediably null.
- 3) Since the nullity of the sentence of the first instance had been declared by the appellate tribunal, one cannot understand the mandate given to the parties and to the promoter of justice of Perge to propose the same complaint of nullity before the tribunal of first instance.

- b. 1) If a complaint of nullity of sentence be *proposed by way of action*, the same judge who issued the sentence shall look into the matter (cc. 1621; 1624), protected the exception of canon 1625, in which case the appellate judge will deal with it.

If a complaint of nullity is *proposed by way of exception*, the judge before whom the case is pending deals with it (cf. c. 1621, approved authors, and the practice of the Apostolic Tribunals).

- 2) In this case, the complaint of irremediable nullity against the sentence of the first instance seems to be brought by the defender of the bond of the appellate court *by way of exception, if and insofar as* this complaint has been *validly* treated and determined by the appellate tribunal of Antioch:
 - there is no further need that the same sentence of the first instance be declared null again by the diocesan tribunal of Perge;
 - but it is necessary that the appellate tribunal of Antioch, according to the norm of canon 1461, declare null that part of its sentence which determines that nullity of marriage has not been proven in the case (cf. cc. 1440; 1620. 1°).
 - once the nullity of that part of the sentence of the appellate tribunal has been declared, the petitioner can – if he wishes – seek a new examination on the merits of the case from a competent tribunal of first instance.

For our knowledge, we ask you send pertinent information about the further development of this case to this Apostolic Signatura. This Supreme Tribunal has already indicated to you that the handling of this case should not suffer further delays; but at an opportune time, this Supreme Tribunal intends to make some further observations about the case.

Ap. Signatura. 1988-1989. directives regarding handling of affirmative finding to a complaint of nullity of sentence (unofficial translation), *RRAO* (1990): 42-47.

Nullity of sentence sustained due to denial of respondent's right of defense. Private.

Case background:

In July 1989, a single judge of the tribunal returned a finding in the affirmative, as regarding the petitioner's lack of due discretion. When notified of this first affirmative sentence, the respondent immediately exercised her right in law and appealed directly to the Roman Rota in the second instance. That tribunal's defender of the bond raised the preliminary issue of a complaint of nullity of sentence against the first instance decision in September 1989.

On December 13, 1989, a Roman *tumus* of three English-speaking auditors considered the complaint of nullity of sentence and returned a finding in the *affirmative*. They noted that the respondent had repeatedly requested that the tribunal send the published acts to the tribunal of her home diocese, that she might exercise her rights according to canon 1598. The Rota noted that a letter from the advocate—neither from the judge nor from the judicial vicar—stated: “Canon 1598 expressly states that the parties, if they wish to inspect the acts, must do so in the office of the tribunal *hearing the case*. Therefore, *having consulted the judge* [...]. I must inform you that *the court is unable to send these acts* to you or to *[your home diocese]*. ” The Rota stated that the first instance tribunal had not followed canon 1418 – to call upon the assistance of another tribunal to communicate acts – and therefore the respondent's right of defense was directly violated. As a consequence, on December 13, 1989, the first instance decision of Lystra was found irremediably null according to canon 1620, 7°.

Having said this, the Rota noted that no one could deny the neglect of the respondent by the first instance tribunal. Taken individually, no single one of these points might be that serious; but seen as parts of the one process, these issues made the matter quite serious.

Statement enumerating ways in which the petitioner's right of defense was violated:

1) The only help given the respondent came from the tribunal of [her home diocese], not from the [first instance tribunal]. Her advocate seems to have acted as the emissary from the first instance tribunal to the respondent, rather than as her representative before that forum. The only correspondence received by [the respondent] from the judge consisted of the opening citation and the final notification of the affirmative finding; all other letters came from her advocate.

2) [The first instance tribunal] imposed totally unreasonable time limits at the various stages of the case, considering the distances involved.

3) [The respondent's] advocate simply did not do his job: he made no attempt

to counter the petitioner's arguments for nullity; he did not seek further instruction of the case to clarify disputed issues; he never informed her of her right to inspect the acts at the tribunal of [her home diocese].

4) There seems to be a total absence of any sense of responsibility toward the respondent. With no mandate from her, the advocate renounced his right to present written arguments and to read the brief of the advocate of the petitioner (cc. 1601-1602). Again, without his client's permission, the advocate allowed an oral discussion only (c. 1602), at which no record was kept by a notary (c. 1605). Nor did the judge order such a record to be kept (c. 1605).

5) In the notification of the first affirmative decision, the advocate did not inform [the respondent] of her right to appeal to the Roman Rota in the second grade.

6) The [first instance] tribunal ordered that the testimony of the petitioner's brother be kept confidential. However, no reason was given for this, and nothing in his deposition would seem to give rise to such an exception.

7) On the same day as the conclusion in the case, [the first instance's] defender of the bond merely noted: "I have no objection to an affirmative decision on the grounds as they pertain to the petitioner."

8) Contrary to canon 1611,3°, the motives in law given in the sentence consist of exactly four words: "Lack of due discretion."

Roman Rota, 13 December 1989. nullity of sentence upheld because respondent was denied right of defense. *RRAO* (1990): 56-58.

CANON 1633

Execution of a decree of ratification. Private.

Case background:

The case of the nullity of the Smith-Jones marriage had been before the ecclesiastical courts for nearly ten years. In 1975, the Metropolitan Tribunal of N.N. found in the affirmative to the petition of John Smith, that his marriage to Mary Jones be found null. Mary then appealed to the appellate court for N.N.. That his finding be overturned. With the introduction of new evidence, the appellate court did indeed reverse the affirmative finding of the court of first instance. John Smith in turn had recourse to the Roman Rota, which upheld the negative finding of the court of second instance.

After a few years had passed, John Smith brought a new petition, based on a different allegation, before the Metropolitan Tribunal of N.N.. which again found in the affirmative to his plea. Mary was informed that the law demanded a review by the newly established Court of Appeal for the Province of N.N., and that she retained the right to appeal in the second instance to the Roman Rota.

Letter of judicial vicar of court of appeal to Apostolic Signatura, October 28, 1985:

In the above-mentioned marriage case, we have been informed that the *pars conventa*, Mrs. Mary Smith, has on October 14, 1985, appealed the affirmative decision of the Court of First Instance to the Roman Rota. This information has caused our Tribunal something of a dilemma.

After being informed of the affirmative decision of the Court of First Instance and her right to appeal, even to the Roman Rota, Mrs. Smith stated in writing her intention to pursue an appeal to the Roman Rota. On September 13, the Presiding Judge of the Court of First Instance responded to Mrs. Smith, reaffirming her right to appeal to the Rota, and stating clearly the norm of law which allows one month for the pursuit of that appeal. On October 14 (October 13 being a Sunday) Mrs. Smith delivered in person to the Court of First Instance a copy of a letter which she claims to have sent to the Roman Rota, in which she attempts to appeal the decision. The letter to the Rota is dated the same day, October 14.

In accord with the norm of canon 1682, §2, the Court of Appeal had constituted a tribunal which had scheduled a hearing in the case for October 17. A copy of Mrs. Smith's letter to the Rota was sent to the members of the collegiate tribunal, but they did not receive it prior to the scheduled hearing. Unaware of the letter to the Rota, therefore, they discussed the case and issued their decree, ratifying the affirmative sentence of the Court of First Instance and mandating its execution. Only on the following day did two members of the tribunal receive their notification of the letter to the Rota. The third member of the tribunal did not receive notice until October 22nd. I must now ask Your Eminence, therefore, whether I am free to execute the decree of ratification of the Court of Appeal, or whether the case did in fact fall to the jurisdiction of the Roman Rota, rendering the Court of Appeal incompetent on October 17, 1985, to act in the matter? Surely the members of the tribunal acted in good faith. Equally certainly, the Roman Rota was not notified of the intention to appeal prior to the expiration of the time duly allotted. In fact, we have not yet received notice from the Roman Rota that they have received any correspondence from Mrs. Smith whatsoever. We simply have her claim that she sent the letter. Nonetheless, the matter is so serious that I hesitate to execute the decree of ratification without further guidance.

I am enclosing copies of the notifications sent to Mrs. Smith and her replies to them.

Letter from judicial vicar of court of appeal to Apostolic Signatura, February 5, 1986:

On October 28, 1985, I wrote to you, asking your guidance in the case noted above. A copy of that letter is enclosed. As of this date, no reply has been received.

Since that time, the Court of First Instance – the Metropolitan Tribunal of N.N. – was notified by the Roman Rota in a letter dated November 11, 1985, that the Respondent had indeed appealed to that Tribunal in the Second Instance. The Notary of the Rota requested the acts of the case.

At the urging of the Judicial Vicar of the Archdiocese of N.N., I again seek your guidance in this matter. As mentioned in my letter of October 28, 1985 (q.v.), the Judges of the Second Instance, acting in all good faith, issued their decree on October 17, 1985, confirming the affirmative decision of the Court of First Instance and mandating its execution.

Am I to instruct the Court of First Instance to transmit the acts to the Rota, or am I to direct the Archbishop of N.N. to execute the confirmed affirmative decision according to the norm of canon 1653, § 1?

Letter from diocesan bishop to Apostolic Signatura. May 2, 1986:

An issue has been brought to my attention with regard to the above-titled case that causes me concern. On October 28, 1985, the Judicial Vicar for the Interdiocesan Tribunal of Second Instance for the Province of N.N., wrote to your office requesting the resolution of a *dubium*. A second request was sent on February 5, 1986, from the same office. As of the date of this letter, no reply has been received. Let me take this opportunity to present a summary of the issue we are dealing with in this case. I am also enclosing a copy of the two letters referred to above.

An affirmative decision in the first instance was rendered by a collegiate panel of judges regarding the nullity of the Smith-Jones marriage on August 30, 1985. Upon notification of that decision, the respondent notified the presiding judge of her intention to appeal the decision directly to the Roman Rota. The judge explained the time limits that were involved in such an appeal. Having received nothing further from the respondent, the case was heard in second instance on October 17, 1985. The respondent's letter to the Roman Rota, dated October 14, 1985 and hand delivered [on that same day] to the court of first instance, was forwarded to the second instance court but did not arrive there until after the decision had been made to confirm the first instance decision. The judges acted in good faith in both instances. The decree of ratification has not been executed and it is that question which is posed before you: Shall the norm of canon 1653, § 1, be followed and the judgement executed?

The matter is further complicated in that the Roman Rota has requested the full acts of the case by means of a letter dated November 11, 1985. The Judicial Vicar of the Metropolitan Tribunal of Antioch has not forwarded the acts because (the above-stated issue has been resolved. He has responded to the letter of the Rota with an explanation and has received no further word on the matter. Should he be directed to transmit the acts to the Rota?

In the meantime the petitioner, a devoted Catholic, supportive of the Church and as actively involved as his status allows in the life of the Church, is left with the matter unresolved and has approached the tribunal of N.N. for a resolution of the matter for his spiritual good. The respondent, a non-Catholic, who objected to the baptism of their children in the Catholic faith during the time of the accused marriage, continues to use the judicial system of the Church as an avenue to exercise her anger at the petitioner. I

I await your instructions in the resolution of this matter.

Letter from Apostolic Signatura to appellate judicial vicar, May 20, 1986:

The affirmative sentence given by the tribunal of N.N. in the first instance was communicated to the respondent on September 3, 1985; she, in turn, in a letter dated September 10, 1985, and addressed to the same tribunal of N.N., declared her intention to appeal to the Roman Rota.

On September 13, 1985, the tribunal of N.N. of first instance wrote to the respondent and made these points, among others: a) Because she had made known her intention of appealing to the Roman Rota, the appeal process would be suspended before the tribunal of N.N. of the second instance; b) The acts of the case will be retained here until the Rota requests them of us; c) Unless a copy of the prosecution of your appeal to the Roman Rota reaches us within one month after September 14, 1985, we will presume that you will have renounced your appeal to the Roman Rota and we will resume the handling of the case before the appeal tribunal of N.N.

The respondent showed the prosecution of appeal to the N.N. tribunal of first instance on October 14, 1985.

But in the meantime, the appeal Tribunal of N.N. – which had already received the acts of the case which had been forwarded *ex officio*, and which knew nothing of the intention of the respondent to appeal to the Rota – confirmed the sentence of the first instance by decree on October 17, 1985.

But the Roman Rota – which received the prosecution of the appeal sent by the respondent on October 14, 1985, and which did not know that the appeal tribunal of N.N. had already confirmed the sentence of the first instance – in a letter of November 11, 1985, asked for the acts of the case from the tribunal of first instance.

The Judicial Vicar of the appellate Tribunal of N.N. – who was notified only on October 22, 1985 (that is, five days after the confirmation of the sentence by decree) of the appeal of the respondent to the Roman Rota – wrote to this Supreme Tribunal on October 28, 1985, and asked what should be done, whether the execution be mandated of the decree of ratification already given, or should all the acts be transmitted to the Roman Rota for appeal.

Taking note of canons 1682 and 1444, §1, 1°.

It would seem that the time for prosecuting an appeal (cf. c. 1633) was prorogued for the respondent by the N.N. tribunal of first instance.

The good faith of the N.N. appellate tribunal – which took up the case and confirmed the sentence of the first instance by decree – cannot be doubted, because it did not know until October 22, 1985 of the interposition and prosecution of the appeal to the Roman Rota.

Canon 1632, §3, makes provision for the application of the principle of prevention.

Therefore, if and insofar there be a question in the case, it can deal only with the relative incompetence of the N.N. appellate tribunal.

The decree of ratification given by the N.N. appellate tribunal cannot be ignored; the Roman Rota cannot take up the matter in the second instance unless the aforesaid decree of ratification be first found null according to the norm of law.

The respondent seems to have been ignorant regarding the taking up the case before the N.N. appellate tribunal (by the letters of the N.N. first instance court of September 13, 1985, she had been notified of the suspension of the process before the N.N. appellate tribunal), and for this reason she had no possibility of intervening in the appellate process.

The N.N. first instance tribunal did not notify the N.N. appellate court – to which it had sent the *acta* according to canon 1682, §1 – concerning the appeal of the respondent to the Roman Rota, and indeed it led this woman into error by stating that the consideration of the case before the N.N. appellate tribunal had been suspended.

The *votans* {s/c} of this Supreme Tribunal has given his conclusions.

1. From the mere fact that the N.N. appellate tribunal issued its decree of ratification in ignorance of the appeal made to the Roman Rota, the execution of the same decree cannot be suspended.
2. The respondent retains the right – if and when she wishes to use it – of bringing a complaint of nullity of sentence or of seeking a new proposal of the case.
3. The method of procedure of the N.N. tribunal of first instance is to be disapproved in this case.

28 October 1985 through 20 May 1986, exchange of letters between diocese and Apostolic Signatura. *RRAO* (1986); 35-41.

CANON 1644

**New proposal of a case following two concordant affirmative decisions.
Private.**

Letter from the Apostolic Signatura, June 13, 1987:

Having seen the letter of April 17, 1985 directed to the Roman Pontiff in which Stella, the respondent in the above noted case, made recourse to the Holy See against the sentence of declaration of nullity of her marriage by the Tribunal of Hippo, and confirmed by decree by the Metropolitan Tribunal of Antioch, according to the norm of canon 1682, §2;

Having asked and received information and also the acts of this case from the Judicial Vicar of Hippo;

The matter having been discussed in the meeting December 13, 1985 and then submitted for further study;

Noting that this cause has already been determined by a double decision;

Since the judges of the First Instance do not seem to have given sufficient consideration to the first expert who did not favor nullity of marriage;

Taking into account the *vota* of the Promoter of Justice and also of the substitute Promoter of Justice;

Noting also the *votum* of the researcher of this Supreme Tribunal;

Considering all circumstances of the case;

The Supreme Tribunal of the Apostolic Signatura decrees:

1. Respondent may use – if she wishes – her right to approach the Roman Rota seeking a new proposal of the case, taking into regard the prescript of canon 1644, §1.
2. The Bishop of Hippo, as the Moderator of the Tribunal, is invited to assign the woman respondent someone truly learned in the law who will help her insofar as she wishes to petition a new proposal of the case.
3. In the light of canon 1445, §3, 1°, the opinion of the researcher of this Apostolic Signatura is sent to the Tribunal of Hippo, which will wish to consider it attentively so that other cases before the same Tribunal may be properly treated.

“Opinion of the researcher” (noted in #3 above):

1. Having been married on the 2nd of January 1951 in the Cathedral of Hippo, and having had four children, Stanley and Stella separated about 1977 and finally divorced in 1981. In the same year the husband attempted a second

marriage with Wanda, and in April 1983 he petitioned the tribunal of the diocese of Hippo to declare his marriage to Stella null on the grounds of defect of consent due to psychological factors on the part of petitioner and/or the respondent.

2. The process followed canonical procedure, although not totally. The parties were duly cited and both gave lengthy depositions. The wife, living in Lysra, was permitted to give her deposition there. On 18 May 1983 the case was proposed using the formula of doubt: whether the nullity of the marriage is established on the grounds of lack of due discretion on the part of the petitioner and/or the respondent?
3. The tribunal was made collegiate on 27 February 1984, notifying the parties, who had the right to object. The wife gave additional written answers to questions which she had neglected answering at the start of the process. The parties had also the possibility of presenting new witnesses or arguments.
4. The acts of the concluded case were published on 27 July 1984 and the parties were permitted to inspect these.
5. The definitive sentence on 7 January 1985 declared the marriage null on the grounds of a lack of due discretion on the part of both parties, prohibiting both from entering a new marriage without having proved their capacity to assume and fulfill the obligations of Christian marriage.
6. The Antioch tribunal of appeal ratified the previous sentence with all included prohibitions on 12 March 1985. When the wife was told the result of the process, she wrote a letter to the Pope on 18 April, appealing against the decision of the tribunal, which letter the Supreme Tribunal of the Apostolic Signatura received on 6 May 1985.
7. The sentence of the tribunal of Hippo, both in its doctrine and in its evaluation of the facts, is based on an anthropological approach which is not compatible with the Christian concept of marriage. It does not consider adequately the freedom and responsibility which remain in a person in the case in which the subject suffers from some disorder of the intellect or will, without losing his capacity to elicit valid consent. In this sentence, on the contrary, an opposite view of human nature prevails, which comes from deterministic and immanentistic tendencies that are widespread in the psychological field. According to this view, freedom is equivalent to the capacity for gratification. In this view a mature person is one who is able to reach such satisfaction, an immature person one who is unable to do this (cf. P.C. Vitz, *Psychology as Religion: the Cult of Self-Worship*, W.B. Eerdmans Publishing Company, Grand Rapids, Michigan, 1977.).

Such an anthropological approach does not take account of theocentric self-transcendence, that is, the call of the human being to live in accord with moral and

religious values which transcend the self. In the same way it does not adequately consider moral responsibility and the spirit of sacrifice, both of which are very important and necessary in coping with the difficulties and conflicts which are common in married life. If we accept the same anthropological perspective, to be consistent we should also change the object of conjugal consent. We could no longer talk about the conjugal “mutual giving and acceptance” (c. 1057, §2), but about the reciprocal gratification which is a possible effect of the conjugal union. Consequently, while the judge asks questions as to whether the marriage is *valid*, the psychologist, who adopts the above-mentioned approach, gives answers concerning the capacity to contract and implement a *satisfying* marriage.

In order to avoid this grave confusion, both the judge and the expert must adopt an anthropological approach consistent with the Christian notion of marriage, without an immanentistic and deterministic vision of human nature. This is possible if we pay attention to *all* the possible categories of human reality without any prejudicial reductionism. Thus at least three categories or dimensions have to be considered in the analysis of human person (cf. L.M. Rulla. *Antropologia della vocazione cristiana. Basi interdisciplinari*, Vol. I, [Ed. Casale M. Piemme, 1985] or Chapter 8, *Anthropology of the Christian Vocation, Interdisciplinary Basis* vol. I, [Rome: Gregorian University Press, 1986]):

- a) The first dimension: corresponding to those conscious psychic activities which flow from the consistency between the ideal self (i.e., which the subject wants to become) and the actual self (i.e., what the subject actually is). In this dimension we find effective freedom, and the person is fully responsible for his actions with consequent virtue or sin. The marriage of persons in whom this first dimension prevails has to be considered always valid, and its outcome depends on the conscious intention of the married persons and their use of moral responsibility.
- b) The second dimension: This is the dimension in which persons take decisions which are not fully free because of their lack of psychological maturity. This psychological immaturity differs however from true psychopathology, and these persons are merely limited in their effective freedom to implement what they want to become (ideal self), because of the influence of unconscious elements belonging to their actual self (the latent self). Marriage involving persons in whom this second dimension prevails may be difficult and also painful because of unconscious conflict between the ideal and the actual self, but is valid because they retain sufficient freedom to contract and live Christian marriage, even though with difficulty and suffering.
- c) The third dimension: This is the area of psychopathology and only in this dimension can the incapacity to contract valid marriage be found, i.e., where the intellect or will are so disturbed that freedom may be lacking. However.

not every form of psychopathology can cause this incapacity, but only the more severe, i.e., the psychoses (when there is no reality testing), those neuroses where the object of matrimonial consent is directly impaired by a functional defect (e.g., serious hysteria preventing the conjugal act), primitive and pathological narcissism (where the capacity to relate to the object is lacking), antisocial personalities (where the person is incapable of empathy and responsibility), or sexual deviations connected with severe personality disorganization.

A psychological evaluation, to be sufficient, needs to consider all three of these dimensions in order to evaluate their influence and prevalence, in such a way that all the possible conditions may be taken into account and the person can be evaluated in his *totality*. Further, it seems that these three dimensions may be in accord with what is said in the Scripture (Gal 5:16-17) about psychological limitations on freedom (cf. Rulla, [1985], n. 9.3.2-9.33).

It can be said then that many marriages may be burdened with difficulties and distress, but they still have to be considered valid.

2. If we accept an inadequate anthropology, we cannot avoid confusing psychological and canonical categories concerning the concept of *maturity*. According to psychological thinking, maturity is the end-point of human development, when a person is conscious and free in what he does according to his ideals, and has the capacity to cope with external and internal difficulties. In contrast, in canonical thinking, maturity is a minimal starting-point necessary and sufficient to intend and implement the object of matrimonial consent, even if difficulties and obstacles create conditions of distress because of bad will, of unconscious conflicts, or of mild forms of psychopathology. Without this important distinction between the psychological and canonical concepts of maturity, psychological difficulties, even if relatively mild or occasional, will be considered sufficient reason for declaring a marriage null.

The present sentence shows characteristics (3.12) which contribute to such confusion. One must consider beyond doubt the principle by which, prescindendo from questions of psychological nomenclature, a marriage cannot be declared invalid except in cases of real and severe psychopathology.

3. Another difficulty emerging from the sentence concerns psychology as a science: the experts made a diagnosis which is only a description of the symptoms, without considering the deeper level of the psychological dynamics and structure, which must be considered if conclusions meeting canonical requirements are to be reached. A description of characteristics

or of symptoms does not let us go beyond a quantitative evaluation of the person, which is insufficient to reach those conclusions about freedom required by canon law. We do not deny the utility of the official classifications of mental diseases (cf. *Diagnostic and Statistical Manual of Mental Disorders*, Third edition, [1980]), but a deeper and complementary analysis of dynamics and structure seems necessary in order to evaluate the psychological activities in their beginning, development and (in some cases) interruption. Such a structural analysis becomes more important when the finalistic aspect has to be considered as in the case of Christian married life, where moral and religious values do influence the conditions of the marriage. What is already in keeping with a Christian anthropology becomes in canonical practice a necessary condition of evaluating the degree of freedom, and the capacity of the parties to give a valid consent.

In this sentence the lack of correct diagnosis creates vagueness, so that the conclusions remain subjective, are not scientific, and also are not Christian.

4. The analysis and the evaluation of the facts in this sentence reveal the same shortcomings seen above and these lead to the decision in favor of the nullity of the marriage. The conclusions of the psychological experts need a special and careful consideration:
 - a) The first expert directly excludes “any observable psychological problems” in both parties and states that “the marriage failed due to the non-fulfillment of responsibilities of which both persons were capable” after 25 years of conjugal common life.
 - b) The second expert states that in the husband “there is no evidence indicating any psychological problems serious enough to prevent a free choice to marry” and he describes the wife as “introverted, lacking both in self-confidence and feelings of security.”

All these characteristics are very common and cannot be considered signs of true and serious psychopathology. In spite of this absence of psychopathology, the second expert states that there exists “serious incompatibilities between the parties” and that “it is really difficult to see that this marriage was ever a complete, mutually giving or sharing partnership”

Both conclusions must be rejected:

- aa) The notion of “incompatibility” in the absence of true and serious psychopathology in the parties (which the same expert excludes) is meaningless and artificial and it becomes a pretext to avoid the demonstration of the conclusions which should be proved; and it

becomes also a reversal of the principle of evidence (i.e., what should be proved becomes the ground of the evidence): the difficulties in the common life of the parties are used to demonstrate the incompatibility between the parties after more than 25 years of marriage and four children!

The judges seem to have noticed these difficulties, since they tried to explain the facts in a different and independent way: according to them, such a long period of common life could be possible “as long as there was not any attempt at intimacy or of true mutual sharing of their life,” but “when the situation provided itself for intimacy between the parties and a sharing of their lives and the lives of their children, Stanley and Stella did not and could not effect such a relationship.”

This interpretation however is untenable and it contradicts the reality of the facts: if it is true that the illicit relationship of Stanley with another woman was not the unique or principal cause of the failure of the conjugal union, we must also state firmly that it was not an occasion of deeper and more intimate union between the parties! The difficulties and the obstacles in common life due to differing personalities cannot be considered a demonstration of the incapacity of the parties to overcome these difficulties. To demonstrate that, one should demonstrate the existence in the same parties of true and serious psychopathology, which on the contrary, all excluded.

- bb) The second expert confuses also the psychological and the canonical notions of maturity when he talks about “a complete mutually giving or sharing partnership.” In canon 1055, § 1 we find the “*consortium totius vitae*” which indicates the necessity of including all the essential elements in the conjugal life, but this admits different degrees of married union. “Complete” union means an optimal union and presupposes a high degree of psychological maturity in both parties. Canonical marriage, in contrast, is valid even if the “*consortium totius vitae*” exists at the minimal level (canonical maturity).

5. Conclusions

The judges failed to understand and correct the mistakes and the contradictions of the second expert; moreover they did not consider the opposed conclusions of the first expert; thereby contravening canon 1579, § 2. The same judges tried to compensate for the insufficiencies of the experts, but in such a way that they reached conclusions more extensive than those of either of the experts. The judges, in spite of their good intention, distorted the function of psychology as the science which should provide objective grounds for psychological conclusions: the

contradictions between the experts remain and the judges incorrectly take over the role of the psychological experts.

The conclusions in the canonical field must in consequence be considered subjective and insufficient to provide that moral certainty, which is required if a marriage is to be declared null (c. 1608, §1).

Apostolic Signatura, letter to diocesan tribunal, accompanied by opinion of researcher, 13 June 1987, *RRAO* (1987): 70-79,

Special defender of the bond to be appointed locally to decide on the execution of two conforming affirmative decisions. Private.

Letter from diocesan archbishop to Apostolic Signatura, May 3, 1988:

As Episcopal Moderator of the Interdiocesan Court of Appeal, I write to seek your guidance in this matter. Perhaps the problem is best explained by laying out the facts in a methodical fashion.

The Facts:

On February 12, 1988, the Metropolitan Tribunal of Antioch rendered an affirmative decision in the above-titled case of nullity of marriage and the parties were properly notified. When the allotted time had expired the case was transmitted to this Court of Appeal on March 3, 1988. Four days later, on March 7, 1988, the Acts of the case were transmitted to the Appellate Judges along with the observations of the Defender of the Bond of the Court of Second Instance. On March 29, 1988 an oral discussion was held and the Court of Appeal voted to confirm the affirmative decision issued in the First Instance. On March 30, 1988 the parties in the case and the proper churches were notified by the First Instance Notary of the affirmative decision and its confirmation by the Court of Appeal.

The Problem:

Unbeknownst to the Court of Appeal, certain events had intervened of which they were not made aware. On February 16, 1988, the respondent was interviewed by Father Stefan, the Presiding Judge in the Court of First Instance. The fact of this interview and its contents were never transmitted to the Court of Appeal until April 13, 1988, two weeks after the Court of Appeal had acted to confirm. Also, on March 19, 1988, the same Father Stefan composed a memorandum to the Judicial Vicar of the Court of Appeal, summarizing his interview of February 16, 1988, and indicating some expression of intention on the part of the respondent to approach "the Holy Father" at this stage. Again, the Court of Appeal was not made aware of this until April 13, 1988. Had this memorandum and interview been

transmitted in a timely fashion, the Court of Appeal could have taken this information into account when it met on March 29, 1988.

Since that time, both petitioner and respondent have been interviewed by priests and deacons who are native speakers of their language. The respondent still adamantly refuses to even appoint an advocate to represent her, and continually cries that everyone else lies, and she is the only one who tells the truth. She lives a rather notorious life in the immigrant community of Antioch, as she had lived such a life in Europe, and indeed, had been denounced by her pastor from the pulpit for promiscuity.

The Precedent:

In 1985 a similar episode happened where the fact of the appeal to the Holy See was not known to the Court of Appeal when it met as properly scheduled. I refer here to the case *Smith-Jones*.

On my instructions, the Judicial Vicar of this Court of Appeal, Father Allen, called a meeting with three Appellate Judges in the case, the Promoter of Justice, and the potential Advocate for the respondent. All agreed that the precedent of *Smith-Jones* would be a safe guide to follow, namely, to execute the sentence because the Court had acted properly, and to notify the respondent that she still retained the remedies of law of: 1) complaint of nullity of sentence; or 2) a new proposal of the case.

We write to ask your Eminence's guidance in this matter. Would it be correct to follow the procedural rule given by your Supreme Tribunal in the case of *Smith-Jones*? If not, how shall we proceed in this matter?

Further developments:

In a few days the Apostolic Signatura asked for all the Acts of the case, which were properly transmitted. Nothing more was heard, so the Cardinal Archbishop wrote again on September 15, 1988, at the urging of the petitioner's pastor. The Signatura replied on October 6, 1988, noting that most of the Acts had to be translated from the Slavic tongue in which the testimony was taken, and admonishing that the sentence not be executed until they had completed their study of the case. The Dicastery then sought more information on January 4, 1989, and ultimately responded on March 14, 1989.

Their decree first reviewed the history of the case and commented upon some procedural errors, which they did not find nullifying; it noted that there could be no doubt about the "good faith" of the Court of Appeal in its action in the matter, and that since the respondent had consistently refused to appeal within the time limits set by law, the appeal in the case should be considered deserted [cc. 1630. §1; 1635].

Conclusion of decree from Apostolic Signatura:

1. The execution of a double conforming sentence cannot be suspended *only* because of the arguments – which seem without foundation – brought forward by the Judge of First Instance after the fact.
2. The respondent can always seek a new proposal of the case according to the norm of canon 1644.
3. The Cardinal Moderator of the Court of Appeal is to appoint a Defender of the Bond of that forum, eminent for preparation and doctrine, who will determine whether he himself, in virtue of his office, must seek a new examination of the case before the Roman Rota or not.
4. The execution of the decisions given is to be suspended until the aforementioned Defender of the Bond has looked into the matter.

Exchange of correspondence between episcopal moderator of Interdiocesan Court of appeal and Apostolic Signatura. 1988-1989. *RRAO* (1989): 51-54.

CANON 1672

Securing the civil effects in Italy of a tribunal declaration of nullity of marriage. Private.

Necessary Documentation for the Attainment of the Civil Effects in Italy of the Declaration of Nullity of Marriage

1. The sentence of the 1st level (two copies duly authenticated)
2. Decree of Ratification (two copies duly authenticated)
3. Religious certificate of marriage
4. Civil certificate of marriage issued by the County where the marriage was celebrated or registered
5. Exact address of the party in question. 9
6. Petition from the parties or from one of them addressed to the competent Court of Appeals, drawn up according to the enclosed facsimile ¶* and duly authenticated by the civil authorities (i.e., the Consulate of Italy most convenient to the petitioner).
7. Fee of \$50.00. [U.S.]

For numbers 1 and 2, it is to be noted that when the sentence of the 2nd level is available, it is sufficient to send (his only

(Facsimile of the Petition [cf. #6 above])

TO THE COURT OF APPEALS OF (*Italian city/province*):

Mr./Mrs. (*name*), the undersigned, born on (*date*), residing in (*city and state*), at the following address (*street and number*) make application to (*name of competent authority*), so the declaration of nullity of the marriage, celebrated at (*city and state*), on the (*date*), with (*name of spouse*) issued by the Ecclesiastical Tribunal of (*diocese*), on (*date*), and ratified by Decree of the Court of Appeals on (*date*), be declared to have taken effect in the Republic of Italy according to the sense of article 8, number 2, of the Accord of modification of the Lateran Treaty of Feb. 18 1984.

Bishop Grochowski. procedure for securing civil effects, as modified by the Concordat of 1984 and distributed in 1986. *RRAO* (1987): 70-71.

CANON 1673

Authentic Interpretation: Consent of judicial vicar required for competence, 17 May 1986. *AAS* 78 (1986): 1323.

D. Whether the judicial vicar whose consent is required according to the norm of canon 1673, §3, is the judicial vicar of the diocese in which the respondent has a domicile, or the judicial vicar of the interdiocesan tribunal?

R. Affirmative to the first, and *ad mentem*. The mind of the legislator is that if in a particular case there is no diocesan judicial vicar, the consent of the bishop is required.

Pont. Comm, for the Auth. Interp. *AAS* 78 (1986): 1323; *RRAO* (1990): 116

Guidelines for canon 1673, 3° and 4°. Private.

Letter to Apostolic Signatura, January 6, 1988:

Since becoming Officialis of our Diocesan Tribunal, I have received several requests from officials of other tribunals requesting competency, according to the prescription of canon 1673, 3°, of the revised *Code of Canon Law*, to render judgments on marriage nullity petitions introduced before their courts.

In some instances, the request for competency has been phrased in words similar to these:

‘Tn order not to burden you with unnecessary paperwork, it will be presumed that your consent is given if we do not hear from you within three weeks.’

I have always ceded competency through a formal decree to that effect; the

concept of “presuming” such a grant does not appear to be justified.

I would request, Your Eminence, that a definitive statement be given concerning this practice. Is a diocesan tribunal justified in assuming competency over a marriage nullity case simply because an arbitrarily set date has passed and no explicit objection/rejection has been received from the proper judicial vicar? Would such a practice be valid/invalid or licit/illicit?

Response from Apostolic Signatura, May 9, 1989:

This Supreme Tribunal has received your letter of January 6, 1989, in which you raise a question concerning the interpretation of canon 1673, 3°, inasmuch as some Tribunals, in seeking the consent mentioned in the cited canon, are accustomed to include the phrase: “If we receive no information from you [Judicial Vicar of the respondent] within three weeks, your consent will be presumed as given.”

We enclosed an authentic copy of a Declaration of this Apostolic Signatura of April 27, 1989, which, although it discusses directly n. 4 of the same canon, is also valid for n. 3, since they concern the same matter. The response to your question is found in n. 1 of this Declaration.

Moreover, we thank you for the diligent care which you have shown in the correct administration of justice.

Declaration of April 27, 1989:

In view of canon 1445. §3, 1° and considering the votes of the substitute Promoter of Justice and of two consullors, this Supreme Tribunal of the Apostolic Signatura declares:

1. In the first place, the Tribunal of the place in which in fact the majority of proofs are to be collected is not the forum competent by law unless the conditions of canon 1673, 4° are really verified, namely “provided that the Judicial Vicar of the domicile of the respondent gives consent who, before he does so, is to ask if the respondent has any exceptions.”

If these conditions are not yet fulfilled, the Tribunal, although really that of the majority of proofs, cannot proceed legitimately [cf. c. 127, §2], c.g., to call others into court, to determine the doubt, etc.

There must be positive proof of the concession given by the Judicial Vicar of the respondent, a concession which cannot be presumed, e.g., due to a lack of response on the part of the same Judicial Vicar within time limits set by the one who seeks the consent.

2. In itself, the forum of the majority of the proofs cannot be considered the forum where only the witnesses brought forward by the petitioner are to be found;

in the matter, consideration must also be given to the proofs which can be offered by the respondent, as well as those to be collected *ex officio*.

Nor can this forum be considered that one in whose jurisdiction *some* proofs can be collected, since it must concern the Tribunal of the place in which in fact *most* of the proofs are to be collected [emphasis original].

In this matter, not only the *number* but also the *weight* of the proofs are to be considered [emphasis original]. Since an especially diligent investigation into the truth of the matter is required [cf. John Paul II. Allocution to the Roman Rota, January 26, 1989, n. 6], in these matters a Tribunal can never prescind from the proofs of major importance, which deal directly with the time immediately preceding and following the beginning of the marriage. For this reason, if the parties came to know one another in a certain diocese, contracted marriage there and then lived together there for some years, it is difficult for the Tribunal of another diocese to be taken as “[that of the place in which in fact most of the proofs are to be collected [c. 1673, 4°].”

A Tribunal cannot be considered the forum discussed in canon 1673.4°, for the reason that the greater part of the proofs is found in that Nation, but it must be the forum “of the place in which in fact most of the proofs are to be collected.”

3. In determining who indeed is the Judicial Vicar of the place of domicile of the respondent, one should note the response of the Pontifical Commission for the Authentic Interpretation of the Code of Canon Law on February 18, 1986. concerning canon 1673, 3°, since the same phraseology discussed in that response is used in canon 1673, 4°.

4. “All whose consent . . . is required are obliged to offer their opinion sincerely” [c. 127, §3). Therefore the Judicial Vicar of the place of domicile of the respondent must weigh carefully the circumstances of the case, before giving or withholding his own conscientious consent required by canon 1673.4°. Therefore he enjoys the right first to receive or to collect all the necessary information in the matter so that he will be able to form his opinion with the required knowledge. This knowledge of the matter is also required that he may interrogate the respondent properly. The insistence of the same Judicial Vicar that such information is required cannot be considered as a sign of distrust in the one who seeks the consent, required by canon 1673, 4°, but on the contrary is to be considered totally legitimate.

To take a decision to grant consent or to withhold it, the Judicial Vicar of the domicile of the respondent must especially weigh the difficulties the respondent will encounter in defending himself before the other Tribunal, e.g., due to differences of language, great distance, etc. The right of defense requires not only that the party be heard, but also that that person, if he chooses, in fact can know the petitions, proofs, and deductions brought forward either by the other party or *ex officio*, and can properly contradict them [cf. John Paul II. *alloc, cit.*, n. 3].

Therefore the Judicial Vicar of the domicile of the respondent can never omit

a due consideration of (he reasons for which the respondent opposes this.

In light of the above it is evident why the respondent is to be interrogated first “if he has any exceptions” by the Judicial Vicar of his place of domicile, not however by the Judicial Vicar of that Tribunal which states that it is the forum of the most proofs.

In itself, it pertains to the Tribunal which is approached as the forum of most proofs to determine whether it is indeed such a forum or not. But the consent of the Judicial Vicar of the respondent discussed in canon 1673, 4° cannot be given, if it is apparent to him in the case that the forum so approached is not the forum of the place in which in fact most of the proofs are to be collected.

6. The obligation of the Judicial Vicar of the respondent to first interrogate that person “if he has any exceptions” by its very nature carries with it the right of the respondent to seek and obtain the necessary information in the matter, e.g., concerning the title of nullity proposed, the proofs suggested, etc.

Exchange of correspondence between judicial vicar and Apostolic Signatura (unofficial translation), 1988-1989. including declaration regarding competence of tribunal of place where majority of proofs are located. *RAO* (1989): 47-49 and 45-47; *Communicationes* 21: 114-116.

Introduction of the “same case” following a negative decision:

Exchange of correspondence between a judicial vicar, the Commission for the Authentic Interpretation of the Code of Canon Law, and the Apostolic Signatura (unofficial translation). 1988, *RAO* (1989): 54-55. (cf. cc. 1438-1439 for full text)

Declaration of Apostolic Signatura on competent forum after first instance negative, 3 June 1989. AAS 81 (1989): 988-990.

Supreme Tribunal of the Apostolic Signatura

Declaration

Concerning the competent forum in a case for the nullity of marriage after a negative decision is given in the first instance.

1. Reverend judicial vicar N, after a negative decision was given in a case for nullity of marriage in his tribunal, made note that other tribunals not prepared at the same time were found to be investigating the same case again in first instance. With the consent of his diocesan bishop he proposed this question concerning the matter to the Pontifical Commission for Authentic Interpretation of the Code of Canon Law:

“When a negative decision concerning the nullity of marriage is given by one tribunal in the first instance of jurisdiction, is another tribunal, which by reason of can. 1673 considers itself equally competent to

investigate the case, able to submit the same case to a new examination in first instance?"

The above-mentioned Pontifical Commission, having noted that the question involves a general problem of discipline in ecclesiastical tribunals more than an interpretation of a norm of the *Code of Canon Law* transmitted the matter on 29 November 1988 to this Apostolic Signatura for its competence.

The Supreme Tribunal of the Apostolic Signatura

2. After setting forth that:

- the same case is present if it concerns the same issue between the same parties and on the same cause for petitioning (cf. c. 1641, 1°);
- in the proposed case no more is given than that there are other tribunals competent equally perhaps by reason of canon 1673 in the first instance to that tribunal which brought an end to the first instance through the publication of a definitive sentence.

3. Having considered that, the definitive sentence given in first instance stands (that is, unless it has been declared null in a case for the nullity of marriage):

- the parties are unable to introduce the same litigation a second time before the same tribunal or before another of the first instance of jurisdiction, for "never twice in the same matter";
- further examination concerning the merit of the same case consequently belongs to the appeal tribunal of the same forum which determined the matter in the first instance (cf. cc. 1438-1439; 1444, §1, 1°; 1632);

4. Having examined that the tribunal of appeal not only must investigate the same case after an affirmative decision given in the first instance (cf. c. 1682). but also after a negative decision given in the same instance whether in the case of an appeal (cf. cc. 1628-1640) or, when the appeal is omitted, or deserted, abated or renounced, a new examination of the same case is sought by a concerned party (cf. c. 1643), and attentive that in this last case new and serious arguments are not required because canon 1644 only demands this if a double conforming judgment has been given in a case concerning the status of persons which is not the case here;

5. Since according to the norm of canon 1440 the incompetence of a judge is absolute if competence by reason of grade is not observed, and regarding in relation to the matter especially canons 1461 and 1620, 1°; having seen also canons 1459. §1; 1626 and 1654. §2;

6. The matter having been carefully weighed; attentive that this Supreme Forum has made determination concerning other cases of the same kind; having heard the Rev. Promoter of Justice; by reason of canon 1445, §3, 1°;

7. In a meeting on 3 June 1989, before the undersigned Cardinal the Signatura

made determination concerning the matter:

a) The same case of nullity of marriage, after a definitive judgment has been given – even if it is negative –, is not able to be pursued in the same instance unless it concerns a possible complaint of nullity;

h) If the same or another tribunal nevertheless attempts it, its absolute incompetence either must be accepted by those concerned or must be declared “*ex officio*” by a judge, and a new judgment possibly given must be considered irremediably null and can never be executed;

c) Determination concerning the merit of such a case of nullity of marriage whether in an appeal or in a new proposition of the same case belongs only to the tribunal of appeal of that forum which determined the case in the first instance.

Ap Signatura, Declaration of 3 June 1989. AAS 81 (1989): 988-990.

CANON 1682

The appeal: a case opened to the ordinary process in second instance by the Roman Rota. Private.

To the Most Reverend Judicial Vicar of the Ecclesiastical Tribunal of Elicroca.

The undersigned notary of the Roman Rota, acting on a mandate from the Reverend *Ponens* in the cause of nullity mentioned above, asks your Reverence to make known to the parties in this case, namely, the plaintiff, Ms. Elaine C. Smith, 225 South 31st Street, Anywhere, USA 47374, and the respondent, Mr. John M. Jones, 3536 Stale Road 27 South, Anywhere, USA 47374, the attached authentic copy of the decree of the judges of 5 December 89 and to do so in accord with canon 1509 so that this decree may have all the effects of law.

Documentation that this notification has taken place is to be sent to the Chancery of this Apostolic Tribunal so that it may be possible to proceed further.

Decree of the Judges

The undersigned Fathers and auditors appointed to this case, namely the Reverends Thomas G. Doran, Kenneth E. Boccafola and Daniel Faltin, who is also the *ponens*, legitimately gathered on the 5th of December. 1989 in order to discuss

and define the preliminary question, namely, “whether the affirmative sentence of first instance given on 28 June 1989 by the Elicroca tribunal and legitimately and correctly forwarded on the 25th day of last September in accord with the provisions of canon 1682, § 1 of the revised *Code of Canon Law*, may according to the mind of the same canon 1682, § 2, be confirmed by decree of ratification or whether to rather be remitted to the ordinary examination of second instance” have issued the following decree:

I. The Overview of the Case

1. Carol Elaine (Helena) Smith, Catholic, the petitioner in the case, bom in Anywhere, USA on November 22, 1948 and residing there at 225 South 31st Street, Anywhere, USA 47374 and John Matthew Jones, the respondent, and a Catholic, born in the same city of the 3rd of January in 1936 and living at 3536 State Road 27 South, Anywhere, USA 47374 married at St. Andrew Catholic Church in Anywhere, USA within the confines of the Archdiocese of Elicroca on the 2nd of August 1969.

Carol and John already from 1962 onward had known each other. At that time Carol, then 13 years of age, was giving some assistance in the business of the man who was then 26 years of age. After becoming friends they immediately from the beginning also developed an intimate relationship. This relationship continued for seven years. After a seven month engagement with their respective parents in opposition they went on to be married.

2. Having entered the marriage, the family relationship which was blessed with two children was entirely happy and peaceful for the first five years. After ten years difficulties arose for various and diverse kinds of reasons.

But the common life continued for fifteen years. Then at the beginning of 1984 the spouses separated and at the request of the man on 27 March 1985 they obtained a so-called civil divorce (cf. summary, pages 92-94).

3. On October 19, 1987 the woman presented to the Elicroca tribunal a petition by which she asked for a declaration of nullity of her marriage “because of the defect of discretion of judgment on the part of the woman and/or defect of discretion of judgment on the part of the man.”

4. Having constituted a tribunal of one judge on the 26th of October of the same year and on the day immediately following the acceptance of the *libellus* (cf. summary, pages 95-96), there was given to the parties in the case the faculty of answering the questionnaire sent to them so that each one for his or her own part could respond to their own individual questions.

The petitioner acted through an advocate appointed by herself (cf. summary, page 2) while on the contrary the respondent did not want to appoint an advocate for himself and declared that he wanted to stand in judgment by himself (cf. summary, page 123 and pages 127-128).

5. Having received the responses of the parties to the questionnaire (cf. for the petitioner summary, pages 3-89; for the respondent summary, pages 99-119) on the 8th of March 1988, the issue was joined according to the following formula:

“Whether or not the marriage in question is null and void on the grounds that petitioner and/or respondent lacked due discretion of judgment” (cf. summary, page 129). This formula of the doubt was communicated to the parties on the same day (cf. summary, pages 130-131).

Ten days having elapsed from the notification of the doubt and with no response having been received, a decree dated the following 18th of March, the judge declared the case open to the instruction.

6. Of the four witnesses mentioned by the woman two were heard, namely Gladys Schwartz, a friend of the petitioner, and by way of the telephone (cf. summary, pages 133-146), on the 14th of April 1988 and the sister of the man, the respondent, Judith Jones (cf. summary, pages 148-177) on the 17th of June 1988.

Then, a judge by a decree issued on the 16th of November of the same year ordered the acts published (cf. summary, page 178) and gave the parties the faculty of inspecting the acts and of commenting about them (cf. summary, pages 179-180).

Finally, on the 19th of November of the same year he designated an expert in the person of Vladimira Hoffinpoof, Ph.D. (cf. summary, page 181) who not by meeting with the parties, but simply based upon the acts of the case gave a psychological report as it is called and presented it on the 20th of January, 1989 (cf. summary, pages 182-186). And then a decree of the conclusion of the cause was issued on the 1st of February 1989.

7. Afterwards, having the brief of the advocate for the plaintiff (cf. summary, pages 188-192) and the animadversions of the defender of the bond (cf. summary, pages 193-194) and having constituted a collegiate tribunal of three judges by decree of the judge on the 24th of May, 1989 on the following 28th of June issued a sentence in the first instance by which the tribunal responded to the issue joined and stated that “the nullity of the marriage has been proven as presented in the acts of the case” (cf. summary, pages 199-207).

This sentence was published the 19th of July 1989 and correctly brought to the notice of the parties in the case (cf. summary, pages 208-210).

8. The defender of the bond on the 23rd of July 1989, appealed against this sentence to the tribunal of second instance, while on the contrary the respondent in a letter dated 21 July 1989 interposed an appeal to this Apostolic Tribunal (cf. summary, page 212, and pages 216-223).

9. On the 25th of September 1989 the acts of this case together with the sentence of first instance was received at our Tribunal. Thereafter, by decree of the Most Reverend Dean on the following 29th of September established this panel of judges. Having received the animadversions of the reverend defender of the bond on the 19th day of October according to the norm of canon 1682, §2 of the *Code*

of Canon Law, the undersigned *ponens* by decree on the 31st of October following established that the *turnus* would meet on this day to discuss and decide the preliminary question mentioned above.

II. In Law and In Fact

10. There can be present no doubt that this preliminary question which is being discussed, namely, whether the affirmative decision of the Elicroca tribunal on the 28th of June 1989 should be confirmed by decree of ratification or not should be handled in accordance with norm of canon 1682, §2.

11. Before we may respond to this question we judge it necessary to make the following notations concerning the manner of proceeding in the first instance tribunal.

Although the defender of the bond of this tribunal responded in his animadversions of the 19th of October 1989, that he believed that “no irregularity in proceeding can be found (cf. animadversions, page 5. n. 12), nevertheless, it should be first noted that it does not seem, or at least from the letter of the judge on the 27th of October 1987, it cannot be deduced that the *libellus* of the plaintiff given at the tribunal on the 19th of October of the same year was actually sent to the respondent. This is contrary to prescription of canon 1508, §2, whose intent is that he could be informed of the grounds of nullity under discussion. Nor does there appear to be any reason why that same *libellus* could not be given to the respondent “before he made a deposition in the case.”

Moreover, there is, on the one hand, a practice used by the ecclesiastical tribunals in North America of sending to the parties questionnaires for their responses to the individual questions so that they may render the truth with greater genuineness, as we would say. On the other hand, there is no one who is not able to see how a practice of this kind can more often turn to the detriment of the right administration of justice. This is true inasmuch as the responses are either excessively brief, often syllabic, or excessively verbose, that is, containing many responses which do not at all respond to the heart of the matter. This is as it exactly happened in this case, not only on the part of the petitioner but also on the part of the respondent.

For these reasons, it seems entirely necessary that a more profound investigation be carried out with a much more rational and critical approach in order to arrive at the truth. Moreover, if it is true that “the joining of issue takes place when by decree of the judge the terms of the controversy which are taken from the petition of the parties and the responses are denuded” as established in canon 1513. §1 and that “the beginning of the case takes place with the citation” according to the norm of canon 1517, we do not understand by what right the judge in his decree of 19th of March 1988 established the “opening of the instruction of the case” (cf. summary, page 132).

Further, there does not appear to be a reason why the judge did not summon into the process nor did he hear some of the witnesses given by the petitioner. It is also unknown for what motive the judge took care to call no witness for the respondent or even *ex officio* according to the mind of canons 1551-1557 and canons 1558-1571.

It appears absurd to hear witnesses by way of telephone as has happened in the case of the deposition of the witness Gladys Schwartz (cf. summary, page 146).

12. It seems quite certain that no exception can be taken as far as this appealed sentence is concerned about the part "*in hire*" in which the principles of law, doctrine and moral jurisprudence can be seen to be correctly set forth. However, in that part known as the "*in fact*" those principles are not correctly applied to the case considered here.

Before all, the setting forth of the facts exhibits more of a narrative form rather than a rational form because it does not at all sift the facts which seem to be more clear than the words. Nor does it consider the circumstances that preceded the marriage, circumstances that happened at the time of the marriage or after the marriage so that one might come to know the true reasons why the parties freely and deliberately contracted marriage and even against the will of the parents unless one accepts the consent of the petitioner's parents given in writing (cf. summary, page 90). For five years the marriage was entirely happy and peaceful. The exposition of the facts does not consider the circumstances surrounding the marriage in order to understand adequately the motives why the common life (which endured for fifteen years) ended badly.

13. Finally, the judges consider of greatest importance and have noted that the conclusions of the psychological expert, namely Vladimira Hoofinpoof, Ph.D., who was correctly designated *ex officio* (cf. summary, page 181), cannot at all be accepted. This is so not only because she did not base her expert's opinion on an examination of the parties but especially and most particularly because she only examined the acts of the case and came to conclusions without any stated case history and said nothing about the nature and seriousness of the immaturity with which the parties were affected at the moment of the marriage.

Moreover, it is noted that the expert says nothing about the scientifically plausible and acceptable "path and method she proceeded in discharging the function given to her and on what grounds, for the most part, her conclusions are based," as is demanded by canon 1578, §2. Moreover, it seems that the principles of a sound Christian anthropology are ignored.

All this notwithstanding, the sentence which has been appealed ignores the precept of canon 1579, §2 and supinely and without a critical sense accepts the conclusions of the expert in psychiatric matters or at least in psychological matters. Thereby, the sentence confuses with defective discretion of judgment the common difficulties of matrimonial life. This defective judgment, according to the teaching of the Supreme Pontiff John Paul II, is to be considered as real incapacity only

when an anomaly of a serious nature is present, which, however it may be defined, must substantially vitiate the capacity to understand and/or to consent” (cf. allocution of John Paul II to the Roman Rota on the 5th of February, 1987), inasmuch as “the human being is the master of his actions by way of reason and will” (cf. St. Thomas Ia-IIae, question 1, article I).

But “it frequently happens that the psychological and psychiatric analyses carried out on the contracting parties instead of considering ‘the nature and degree of the psychic processes which have a bearing on the matrimonial consent to the capacity of the person to assume the essential obligations of marriage’ (address to the Roman Rota 5 February, 1987. n. 2) are limited to a description of the behavior of the contracting parties in the different stages of their life. From that the abnormal symptoms are collected and classified according to a diagnostic label. It must be said candidly that such an exercise, while it has its value, is totally incapable of supplying the clarification which the ecclesiastical judge expects of the expert. The judge should therefore request the expert to go further and extend his analysis to an evaluation of the underlying causes and dynamic processes, instead of confining himself to the symptoms which spring from them. Only such a complete analysis of the subject, of his psychic capacities and of his freedom to strive for values that are in themselves self-fulfilling, lends itself to being translated into canonical categories by the judge” (cf. allocution of John Paul II to the Roman Rota 26 January 1988, n. 7).

14. Having set forth and attentively pondered the above, and also having read and examined all the acts of the case together with the appeal sentence and likewise considering the animadversions of the reverend defender of the bond of this Apostolic Tribunal, we the undersigned Fathers and auditors of this *turnus* conclude that they must respond to the proposed preliminary question in the following fashion:

“In the *Negative* that is the affirmative decision of the Elicroca tribunal given on 28 June 1989 cannot be confirmed by a decree of ratification and therefore the case must be remitted to the ordinary examination of Second Instance.”

Roman Rota. 5 December 1989, decree remitting case to ordinary examination in second instance (unofficial translation). *RRAO* (1990): 62-68.

CANON 1700

Proper instruction of cases *super rato*. Private.

Enclosed you will find the Rescript of dispensation "*super rato*" "Smith-Jones" which the Holy Father has granted.

Certain points regarding the process conducted by your diocesan Chancery merit consideration:

To treat cases of matrimony "*super rato*" the formation of a collegial Tribunal is not required; it is sufficient to have a judge instructor, a defender of the bond and a notary (cc. 1425, §1, 1° and 1701, § I). By law, the instruction of such cases must be entrusted to a qualified priest (cc. 1421, §1 and 1700, §1). Instead, in the above-mentioned case, the judge instructor was a Sister, despite the presence of two priest judges. Since for these cases there is only one judge instructor, canons may not be applied which refer to the addition of laity in auxiliary or advisory roles to constitute a college (cc. 1424 and 1428).

Furthermore, the formularies of the interrogation contain questions which were non-pertinent and useless in demonstrating the inconsummation of the marriage "Smith-Jones."

We are confident that Your Excellency will see to it that the instruction of processes in the future takes into consideration the above mentioned points.

CDW, 7 March 1989, letter to diocesan bishop. *RRAO* (1989): 50-51.

CANON 1714

Particular Legislation: Settlement of Disputes.

The Gambia, Liberia, and Sierra Leone:

Where parties cannot agree on norms for settlement or arbitration, the civil law of the nation where the pact is entered into is to be followed.

ITCABIC 3 (1986), p. 7.

Nigeria:

The Catholic Bishops' Conference of Nigeria hereby provides the following norms for agreement, mutual promises and arbitral judgement: The Board of Arbitration and Administrative Board of Review is henceforth established and this shall comprise of parochial, diocesan, regional and national levels. The terms of service of the members shall depend on the duration of their offices in the case of those *ex officio* memberships, and all others shall be for five years.

The Process of Arbitration shall be offered to:

1. all disputes between individuals, or groups, where the controversy concerns an ecclesiastical matter;

2. all disputes between a member of the Church and a Church administrator or Church administrative body, where it is contended that an act or decision (including administrative sanctions and disciplinary actions) has violated Church law or formal policy, or where it is contended that an administrative action violated (or threatens to violate) the legitimate exercise of a legitimate right.

The Process of Arbitration shall not extend to:

1. cases involving the validity of marriage;
2. civil cases;
3. cases involving religious communities in their strictly internal affairs;
4. cases involving the legislation of competent ecclesiastical authority;
5. cases involving the infliction of penalties by juridical sentence and those requiring a special process according to canons 1671-1731.

A party can always appeal to a higher board or an administrative board of review.

Parochial Arbitration Board shall consist of:

1. the parish priest/mission superior/chaplain;
2. the executive of the parish council;
3. parties or the representatives.

Diocesan Arbitration Board shall consist of:

1. bishop or his delegate;
2. the executive of the senate of priests;
3. the executive of the diocesan laity council;
4. parties or their representatives.

Regional Level Arbitration Board shall consist of:

1. president and secretary of the regional conference of bishops;
2. priest-chairman of the presbyteral council and the chairman of the diocesan laity council of each diocese in the region (excluding the diocese involved in the case);
3. parties involved or their delegates.

National Arbitration Board shall consist of:

- I. the president of the Bishops' Conference and the executive of the National

Episcopal Conference of Nigeria;

2. two priests and one layman from each ecclesiastical province;
3. parties or their representatives.

Procedure:

1. The parties shall submit to the arbitration board the written statements setting forth the nature of the dispute.
2. The arbitration board shall appoint a time and place for hearings and notify the parties not less than 5 days before each hearing.
3. The arbitrators shall determine the controversy upon evidence produced. Parties may offer such evidence as they desire and shall produce such additional evidence as the arbitrators may deem necessary to an understanding and determination of the dispute. All evidence shall be taken in the presence of all the arbitrators and all of the parties except where any of the parties is absent in default or has waived his right to be present.
4. Order of proceedings: A hearing shall be opened by the recording of the place, time and date of hearings, attendance, and the receipt by the arbitrators of initial statements setting forth the nature of the dispute and the remedies sought. The arbitrators shall afford full and equal opportunity to all parties for presentation of relevant proofs.
5. In the course of the hearing, all decisions of the arbitrators shall be by a majority vote. These votes shall be by secret balloting.
6. All agreements and mutual promises shall be awarded promptly by the arbitrators; not later than thirty (30) days from the date of closing the hearing.

Administrative board of review:

This shall consist of three members to be appointed by the competent ecclesiastical authority. It shall be within the competence of the administrative board of review to: Render decisions on appeals or complaints.

PCN, pp. 46-48.

CANON 1733

Particular Legislation: Recourse Against Administrative Acts.

The Gambia, Liberia, and Sierra Leone:

The Conference does not wish to establish a permanent office dealing with

seeking and suggesting equitable solutions when a person believes that he or she has been injured by a decree.

ITCABIC, 3 (1986), p. 7.

CANON 1748

Transfer of a pastor unwilling to move, 4 February 1987. Private.

The pastor of a rural parish with a school was telephoned by the chairman of (the priests' personnel committee and was told that he was going to be transferred. The pastor asked the reason and was told that the bishop wanted his parish for the residence of an episcopal vicar. The pastor was asked would he prefer to be transferred to a city parish or to another country one – a specific parish was proposed by the chairman. The pastor was not open to the specific parish proposed and began immediate steps to contact the bishop. It was not until the next day that the bishop became available by telephone but was not readily open to meet with the pastor personally. In the meantime the pastor wrote a letter to the bishop asking exactly why he wanted him transferred, that the move seemed arbitrary, that he felt he had no real choice in the matter, and, finally, that he simply did not wish to move from his parish. He had been the administrator of the parish for one year and its pastor only a year and a half. The former pastor was the founder of the parish and was there over thirty years. The pastor expressed the real possibility of wonderment on the part of the parishoners; the bishop assured him that his personnel record was clean, that the move was for the good of the diocese. When the bishop finally met with the pastor personally, the pastor informed the bishop that he did not wish to be transferred. The bishop warned the pastor that he would begin removal proceedings; the pastor said that he would appeal to the Congregation for Clergy. Several letters were exchanged between bishop and pastor and the removal process began. Upon the advice of the pastor's advocate, the pastor look another assignment offered him by the bishop with the understanding that it would not affect his appeal. In the meantime the bishop published the transfer and the pastor was assigned as *pastor* of the new parish. The episcopal vicar assigned to the parish in question was given the title of *administrator*.

A reply in English from the congregation came in a matter of a few months. The congregation sided with the bishop stating that there was documented evidence that the pastor had originally agreed to the transfer from his parish but had the next day changed his mind. The other point was that the pastor had willingly taken the new assignment. The reply exhorted the pastor to accede to the bishop's wishes and reminded the pastor of his vow of obedience. The reply was signed by Cardinal Innocenti.

The pastor wrote back to the congregation thanking it for the time it had spent

on his petition but begged to differ with the rationale for the decision. The pastor stated that he had never changed his mind about his not wishing to be transferred, as indicated by the chairman of the priests' personnel committee. He also told the congregation that he had agreed to take the new assignment because he felt, upon the advice of his advocate, that doing so would not jeopardize his appeal.

Several months later, a final reply came from the congregation:

With reference to your last letter addressed to this Congregation, we would like to state the following.

The reason Monsignor Sam Smith resigned as chairman of the Priests' Personnel Committee had nothing to do with your transfer. He had served two terms as chairman, and his duties as vice-rector of the Seminary and formation director for the theologians made it difficult for him to serve as chairman of the personnel committee.

As far as your case is concerned, Monsignor reported that you originally agreed to the transfer but changed your mind the next day.

Furthermore, when you vacated the parish of Forty Holy Martyrs you were assigned to the present parish without mentioning to the Bishop that you did not accept the new parish assignment. If you did not wish to accept the new post, you should have indicated so to your Bishop.

May we, therefore, exhort you, in the spirit of obedience which you have promised on the day of your ordination, that you abide by the decision of your Bishop and be satisfied in your new position as pastor of St. Paphnutius.

Cong. of the Clergy. 4 February 1987. letter to pastor. *RRAO* (1987): 38-40.

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